

CODE OF ORDINANCES

CITY OF

GLOUCESTER, MASSACHUSETTS

Codified through
Ord. No. 03-34, enacted September 16, 2003.

PART I CHARTER*

***Editor's note**--Printed herein is the Gloucester Home Rule Charter, approved by a referendum held on November 4, 1975 and amended by referendum on November 8, 1983; November 5, 1985; and November 3, 1987. Those sections of the charter which were amended by a referendum are indicated by the presence of a history note in parentheses () following each such section. The absence of such a note indicates that a section has remained unchanged since it was originally adopted. The original arrangement, catchlines and subcatchlines of the charter have been retained herein. Material which has been added for clarity is indicated by brackets []. Obvious errors in spelling and punctuation have been corrected without notation.

M.G.L.A. Const. Amend. Art. II, § 2 et seq.; city charters generally, M.G.L.A. c. 43; home rule procedures, M.G.L.A. c. 43B.

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((a) Within the limits of policy promulgated by the Commonwealth Supervisor of Public Records, the commission shall approve, disapprove or modify all plans and schedules prepared by the archivist relative to the retention, disposition and preservation of records.....	136
((b) (The commission shall advise in the administration of city archives Ord. 01-45 Deleted 11/13/2001) The commission shall advise departments in the administration and safekeeping of records and archival materials (Ord. 01-45 11/13/2001), and render annually to the mayor and city council a report regarding the development and status of municipal archives and records management	136
((c) The commission shall encourage departmental cooperation with municipal records regulations as provided for by this statute and shall be the final arbiter regarding any matters that may arise between departments and the archivist. 03-28 7/8/2003)	136
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((a) All public records, as defined in M.G.L.A. c. 4, § 7, and c. 66, § 3, shall be the property of the city and unless otherwise provided for by law, shall be kept in the custody of the sole officer in charge of a department or office. (All records shall be delivered by outgoing officials and employees to	

their successors Ord. 01-45 Deleted 11/13/2001). Outgoing officials and employees shall certify to the city clerk that all records have been delivered to their successors. (Ord. 01-45 11/13/2001)..... 137

(b) Inactive records in the custody of departments may be designated as archival records by the archivist subject to the written rules and policies approved by the city clerk and the commission. Such records shall, after identification and appraisal by the archivist to determine their value, be transferred to the city's archival repository where they shall be processed, conserved and made available for reference. Ord. 03-28 Deleted 7/8/2003)

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ARTICLE 1. INCORPORATION; FORM OF GOVERNMENT; POWERS OF THE CITY

Section 1-1. Incorporation.

The inhabitants of the City of Gloucester, within the territorial limits established by law, shall continue to be a body corporate and politic under the name "City of Gloucester."

Section 1-2. Short Title. "State Law reference M.G.L., Chapter 43b" - (Approved 12/9/2002)

This instrument shall be known and may be cited as the Gloucester Home Rule Charter.

Section 1-3. Form of Government.

The administration of the fiscal, prudential, and municipal affairs of the city, with the government thereof, shall be vested in an executive branch, to consist of the mayor, and a legislative branch, to consist of the city council. The executive branch shall never exercise any legislative power, and the legislative branch shall never exercise any executive power. Although each branch has had conferred upon it by State law various areas of responsibility, the legislative branch is also responsible for the enactment of laws for the city, while the administrative branch is charged with the duties of carrying those laws into effect, securing their due observance and conducting the daily business affairs of the city.

State law reference(s)--Allocation of powers in city government, M.G.L.A. c. 39, § 1.

Section 1-4. Powers of the City.

Subject only to express limitations on the exercise of any power or function by a city in the constitution or statutes of the commonwealth, it is the intent and the purpose of the voters of Gloucester, through the adoption of the charter[,] to secure for the city all powers it is possible to secure under the constitution and statutes of the commonwealth, as fully and as completely as though each such power were specifically and individually enumerated herein.

State law reference(s)--Limitation on local powers, M.G.L.A. Const. Amend. Art. 2, 89; powers of cities and towns, M.G.L.A. c. 40.

Section 1-5. Construction.

The powers of the city under the charter are to be construed liberally in favor of the city, and the specific mention of particular powers is not intended to limit in any way the general powers of the city as stated in section 1-4.

Section 1-6. Intergovernmental Relations.

Subject only to express limitations in the constitution or statutes of the commonwealth, the city may exercise any of its powers or perform any function, and may participate in the financing thereof, jointly or in cooperation, by contract or

otherwise, with the commonwealth or any political sub-division or agency thereof or the United States government or any agency thereof.

ARTICLE 2. LEGISLATIVE BRANCH

Section 2-1. Composition; Eligibility; Election and Term.

(a) *Composition* -- There shall be a city council consisting of nine members which shall exercise the legislative powers of the city. Four of these members, to be known as councillors at-large, are to be nominated and elected by and from the voters of the city, at-large. Five of the members, to be known as ward councillors, are to be nominated and elected by and from the voters of five city wards, one ward councillor to be elected from each such ward.

(b) *Eligibility* -- Any voter shall be eligible to hold the office of councillor. A ward councillor, notwithstanding his removal from one ward in the city to another during the term for which he was elected, may continue to serve and to perform his duties until the expiration of the term for which he was elected.

(c) *Election and Term* -- The term of office for councillors shall be for two years beginning the first secular day of January following their election and until their successors are qualified.

Code reference--City council generally, § 2-20 et seq.

Section 2-2. Presiding Officer.

After a majority of the councillors-elect have been sworn they shall be called together by the city clerk, or in the absence of the city clerk, by the member present senior in years of service, who shall preside. The city council shall then elect, from among its members, by separate roll call votes, a president and a vice-president. A majority vote of the full council shall be necessary for such election. No other business shall be in order until such officers are elected. The president shall preside at all meetings of the city council, regulate the proceedings and decide all questions of order. He shall have such other powers and duties as may be provided by the charter, by ordinance or by vote of the city council. He shall have the same right to vote as any other city councillor. In the event of the absence or disability of the president[,] the vice-president shall act as president.

State law reference(s)--Presiding officer of city legislative bodies, M.G.L.A. c. 39, § 2.

Section 2-3. Compensation.

The city council shall, by ordinance, establish an annual salary for its members. No ordinance establishing or increasing such salary shall be effective, however, unless it shall have been adopted by a two-thirds vote during the first eighteen months of the term for which councillors are elected and it provides that such salary is to be effective at the commencement of the term of office of the next city council to be elected.

State law reference(s)--Municipal salaries, M.G.L.A. c. 39, § 6A, c. 43, § 17A.

Section 2-4. Prohibitions.

(a) *Appointment after Expiration of Term* -- No city councillor shall hold any compensated appointive city office or city employment during his term and until two years following the expiration of the term for which he was elected. This provision shall not prohibit a city officer or city employee who has taken a leave of absence from such office or employment from resuming his duties as such following service as a city councillor.

(b) *Interference in Administration* -- Except as may be otherwise authorized by the charter, no member of the city council, nor any committee of the city council, shall directly take part in the conduct of the administrative business of the city.

Section 2-5. Exercise of Powers; Quorum; Rules of Procedure.

(a) *Exercise of Powers* -- Except as otherwise provided by law, by-laws or the charter, the legislative powers of the city council may be exercised in a manner determined by it.

(b) *Quorum* -- A majority of the city council shall constitute a quorum but a smaller number may meet and adjourn from time to time. The affirmative vote of a majority of the full council shall be necessary to adopt any appropriation order. While a quorum is present, any other motion or measure may be adopted by a majority of not less than four affirmative votes, except as otherwise provided by the charter or by-law.

(c) *Rules of Procedure* -- The city council shall from time to time establish rules for its proceedings.

(i) Regular meetings of the council shall be held at a time and place fixed by ordinance.

(ii) Special meetings of the city council shall be held at the call of the mayor, as provided in section 3-8(b), on the call of the president of the city council, or on the call of any three or more members, by written notice delivered in hand or to the place of residence or business of each member at least forty-eight hours in advance of the time set, and which includes notice of the subjects to be acted upon.

(iii) Except as may be otherwise authorized by law, all sessions of the city council, and any committee thereof, shall be open to the public and to the press.

(iv) Every matter which comes before the city council shall be put to a vote, the result of which shall be recorded.

(v) A full, accurate, up-to-date record of the proceedings of the city council shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

(vi) The city council shall, by ordinance, establish and maintain a list of specific kinds of council decisions, which will require an accompanying statement of purpose. The statement of purpose shall contain the reasons why the majority of the council voted, for or against. Such statements shall be entered upon the records of the city council, in full, for the purpose of providing guidance to future city councils regarding matters

that might again be brought before the city council, matters that might be the subject of court action, or any other matter requiring an explanation of the intent of the city council when voting.

(Referendum of 11-8-83)

State law reference(s)--City council to adopt rules for its proceedings, M.G.L.A. c. 43, § 18(2).

Section 2-6. Council Access to Information.

- (a) *In General* -- The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.
- (b) *City Officers, Members of Multiple-Member Bodies, and City Employees* - The city council may require any city officer, member of a multiple-member body or city employee to appear before it to give such information as the city council may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of the said city officer, member of a multiple-member body or city employee.
- (c) *Mayor* -- The city council may at any time require the mayor to provide it with specific information on any matter within its jurisdiction. The city council may require the mayor to appear before it, in person, to respond to written questions presented to him. The mayor may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the city council. The mayor shall not be required to answer any questions not relevant to those presented to him in advance and in writing.
- (d) *Notice Requirements* -- The city council shall give at least five days written notice to any person it shall require to appear before it under the provisions of this section. Notice under this section shall be by delivery in hand.
- (e) *Vote Required* -- All actions in section 2-6 shall require a two-thirds (2/3's) vote of the full city council.

(Referendum of 11-3-87)

Section 2-7. City Clerk; City Auditor.

- (a) *Election* -- (Not sooner than forty-five nor more than sixty days - Deleted, 12/9/2002) Not sooner than ninety days and no more than one hundred twenty days - (Approved 12/9/2002) following the date on which the city council has organized, it shall elect a city clerk and a city auditor to hold office for terms of two years and until their successors are qualified. The city council may remove either of said officials from office, for cause, before the expiration of their term by majority vote of the full city council. Any vacancies which may exist in said offices shall be filled by the city council for the balance of the unexpired term.
- (b) *City Clerk* -- The city clerk shall be the custodian of all records of the city, the keeper of vital statistics, and shall have such powers and duties with respect

to the regulation and supervision of elections and the issuance of licenses as are provided by law. The city clerk may have such additional powers and duties as the city council may from time to time prescribe.

(c) *City Auditor* -- The city auditor shall keep and have charge of the accounts of the city. He shall regularly audit the books and accounts of all city agencies and shall have such other powers and duties with respect to the regulation of the financial affairs of the city as are provided by law. The city auditor may have such additional powers and duties as the city council may from time to time prescribe.

Code references--City clerk generally, § 2-60 et seq.; city auditor, § 2-100 et seq.

State law reference(s)--Manner of election of city officers, M.G.L.A. c. 39, § 3, c. 43, § 18; city clerks generally, M.G.L.A. c. 41, § 12 et seq.; appointment and term of city clerks, M.G.L.A. c. 43, § 18(3); auditors generally, M.G.L.A. c. 41, § 48 et seq., c. 43, § 18.

Section 2-8. Council Staff.

(a) *Deleted 12/9/2002 Clerk of the Council* -- The city clerk shall serve as clerk of the council. The clerk of the council shall give notice of all meetings of the city council to its members and to the public, keep the journal of its proceedings, and perform such other duties as may be assigned by the charter, by ordinance or by other vote of the city council. The city council shall, by ordinance, establish a salary schedule and a job description for the clerk of the council.

Editor's note--There is no subsection (b) to this section in the present city charter.

Section 2-9. Council Standing Committees.

(a) *Designation of Committees* -- There shall be three standing committees of the city council: A committee on budget and finance, to which may be referred by a (two-thirds (2/3's) - Deleted, 12/9/2002) simple majority - (Approved 12/9/2002) vote of the full city council every matter which would involve an expenditure by the city; a committee on ordinances and administration, to which may be referred by a (two-thirds (2/3's) - Deleted, 12/9/2002) simple majority - (Approved 12/9/2002) vote of the full city council every matter which in the form of adoption is categorized an "ordinance," or the effect of which is of more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk; and a committee on planning and development, to which may be referred by a (two-thirds (2/3's) - Deleted 12/9/2002) simple majority - (Approved 12/9/2002) vote of the full city council all matters which affect land use, planning, zoning and other development of the city.

(b) *Membership* -- Each committee of the city council shall consist of three members of the city council appointed by the city council president to serve for the term for which the city council is elected. Each member of the city council shall serve on at least one standing committee of the city council.

(c) *Advisory Members* -- The standing committees of the city council may provide, by vote, for the appointment of voters of the city to serve as advisory members of the committee. Such advisory members, if appointed, shall have no power to vote.

(d) *General Powers* -- The city council may delegate the powers available to it under section 2-6 to any of its standing committees. Each standing committee may, in accordance with such rules as may be adopted by the city council, hold a public hearing on any matter which is referred to it and shall, within a time fixed by council rule, report on each matter which has been referred to it, in writing, a recommendation and the reasons therefor.

(Referendum of 11-3-85)

Code reference--Boards, commissions, councils and committees, § 2-400 et seq.

Section 2-10. Appointments to City Offices.

(a) *Confirmation* -- The mayor shall submit to the city council the names of all persons he desires to appoint to any city office, as a department head or as a member of a multiple-member body, except a position which is covered by the state civil service law or except as otherwise provided by this charter. The city council shall refer all such names as are submitted to the standing committee on ordinances and administration which shall investigate all such candidates for confirmation and make a report with recommendations to the full city council not less than seven nor more than twenty-one days following such referral. If the city council has taken no other action, said appointments shall become effective on the thirtieth day following the date the name has been received by the city council. The provisions of section 2-11(c) shall not apply to this section.

(b) No un-elected appointee shall be appointed to more than one multiple member body, unless said board or commission is inter-related.

(Referendum of 11-8-83; referendum of 11-5-85)

Code reference--Officers and employees generally, § 2-40 et seq.

Section 2-11. Procedures.

(a) *In General* -- No measure shall be adopted on the date it is introduced, except in the case of special emergency involving the peace, health or the safety of the people or their property. Except as otherwise provided by the charter, every adopted measure shall be effective at the expiration of thirty-one days after adoption by the city council or at any later date specified therein. Measures not subject to referendum may become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted by the city council, or by the procedure for citizen initiative and referendum provided in article 9.

(b) *Emergency Measures* -- An emergency measure shall be introduced in the form and manner prescribed generally except that it shall be plainly designated as an emergency measure. A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the

affirmative votes of two-thirds of the members of the full city council. Following such adoption of an emergency preamble the city council may, by a two-thirds vote, pass the measure with or without amendment at the meeting at which it was introduced. Emergency measures shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure, or unless a second emergency measure adopted in conformity with this section is passed extending it, or a measure adopted in conformity with the procedures for measures generally is passed extending it.

(c) *Charter Objection* -- On the first occasion that the question of adoption of any measure is put to the city council, except an emergency measure as defined in section 2-11(b), if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting, regular or special. If when the matter is next brought before the city council for a vote four or more members object to the taking of a vote, the matter shall be further postponed for not less than an additional five days. This procedure shall not be used more than once for any measure notwithstanding any amendment to the original measure.

(d) *Publication and Public Hearings Required* -- Every proposed ordinance or loan order, except any submitted in conformity with section 2-11(b), shall be published once in full in at least one local newspaper and in any additional manner as may be provided by ordinance or by law. Such publication shall also state the time, not less than seven days following such publication, and the place at which the city council, or a standing committee of the city council, will hold a public hearing on said proposed ordinance or loan order.

(e) *Council Reconsideration* -- The clerk of the city council shall hold every measure adopted by the city council to the end of the next business day, with no exceptions, and if during said time notice of an intent to file a motion to reconsider the matter is filed with the clerk of the council by any member entitled to make such a motion, the measure shall be returned to the city council for further action. If no such statement of intent is filed with the clerk of the council he shall, at the end of that next business day forthwith present the matter to the mayor.

(f) *Publication of Adopted Measures* -- After final adoption and approval by the mayor if required, all ordinances and loan orders and such other measures as the city council shall by ordinance direct, shall be published in full in a newspaper of general circulation in the city.

(g) *Publication, Exceptions* -- If any measure required to be published in full by section 2-11(d) or (f) exceeds in length eight octavo pages of ordinary print, then in lieu of such publication, the same may be published in a booklet or pamphlet and made available for distribution to any person requesting the same at the office of the city clerk and provided that notice of such publication and a summary of the contents thereof shall be published as otherwise provided in the said sections.

(h) *Information to be Given New Members* -- The president of the city council shall make available to each new member the minutes of the meetings for the four prior months and copies of any applicable laws, rules or regulations which govern the body. In addition, the president shall, within thirty days following any election of a new member, meet with the new member and provide such

information and orientation to the duties of a city councillor as may be deemed necessary or desirable.

(Referendum of 11-8-83; referendum of 11-3-87)

State law reference(s)--Procedures for passage of ordinances, M.G.L.A. c. 43, § 20 et seq.

Section 2-12. Delegation of Powers.

The city council may delegate to one or more city agencies the powers vested in it by the laws of the commonwealth to grant and issue licenses and permits, and may regulate the granting and issuing of such licenses and permits by any such city agency, and may, in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Section 2-13. Filling of Vacancies.

(a) *Councillor at Large* -- If a vacancy in the office of councillor at large shall occur/is declared - (Approved 12/9/2002) the vacancy shall be filled by the candidate for the office of councillor at large at the preceding city election who received the highest number of votes without being elected and provided such person is willing to serve. If a person who received such highest number of votes is not willing to serve the other candidates in descending order of number of votes received shall be offered the vacancy until one accepts the office. If no such candidate is available the city council shall, within thirty (30) days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters of the city to serve for the balance of the unexpired term. The city clerk shall certify the said candidate to the office of councillor at large to serve for the balance of the unexpired term.

(b) *Ward councillor* -- If a vacancy in the office of ward councillor shall occur the vacancy shall be filled in the same manner as provided for councillors at large, provided that the candidate who is willing to serve shall have received at least thirty percent (30%) of the total number of votes cast for the office of ward councillor in the ward for which the vacancy exists. If no such candidate is available the city council shall, within the thirty (30) days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters residing in the ward to serve for the balance of the unexpired term. The city clerk shall certify the said candidate to the office of ward councillor to serve for the balance of the unexpired term.

(c) *In General* -- Whenever a vacancy exists on the council which is not filled when the next election occurs, the person at the city election who is elected to the seat in which the vacancy exists shall forthwith be sworn and shall serve for the balance of the then unexpired term, in addition to the term for which he was elected. If the vacancy is in the office of councillor at large, it shall be filled by the person receiving the highest number of votes for the office who is not then a member of the city council.

(Referendum of 11-5-85)

Section 2-14. General Powers.

Except as otherwise provided by law or the charter, all powers of the city shall be vested in the city council which shall provide for their exercise and for the performance of all duties and obligations imposed on the city by law.

ARTICLE 3. EXECUTIVE BRANCH

Section 3-1. Mayor; Qualifications; Term of Office; Compensation; Prohibitions.

(a) *Mayor, Qualifications* -- There shall be a mayor, elected by and from the voters, who shall be the chief executive officer of the city. Any voter shall be eligible to hold the office of mayor. The mayor shall devote his full time to the office, that is, he shall not hold any other elective public office, nor shall he actively engage in any other business, occupation or profession during his service as mayor.

(b) *Term of Office* -- The term of office of the mayor shall be two years beginning on the first secular day of January following his election and until his successor is qualified.

(c) *Compensation* -- The city council shall by ordinance establish an annual salary for the mayor. No ordinance establishing or increasing such salary shall be effective unless it shall have been adopted in the first eighteen months of the term for which councillors are elected and it provides that such salary is to be effective at the commencement of the next term of office of the mayor.

(d) *Prohibition* -- No mayor shall hold any compensated appointive city office or city employment during his term and until two years following the expiration of the term for which he was elected.

(Referendum of 11-8-83)

Code reference--Mayor generally, § 2-50 et seq.

State law reference(s)--Compensation of mayor, M.G.L.A. c. 39, § 6A; mayor prohibited from holding other compensated office, M.G.L.A. c. 39, § 7.

Section 3-2. Executive Powers; Enforcement of Ordinances.

The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several city agencies under his general supervision and control. The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept.

Section 3-3. Appointments by the Mayor.

The mayor shall appoint all city officers, department heads and members of multiple-member bodies for whom no other method of appointment or selection is provided by the charter, excepting only officers serving under the school committee, officers appointed by state officials and persons serving under the city council. All such

appointments made by the mayor shall be subject to review by the city council as provided in section 2-10.

State law reference(s)--Appointments of mayor subject to council approval, M.G.L.A. c. 39, § 1.

Section 3-4. Certificate of Appointment.

In making his appointments the mayor shall sign and file with the city clerk a certificate substantially in the following form:

Certificate of Appointment

I appoint (name of appointee) to the position of (name of office) and I certify that (s)he is a person especially fitted by education, training or experience to perform the duties of the office and to assume the responsibilities which will devolve upon him/her, and that I make this appointment solely in the interest of the City of Gloucester.

(signed)
Mayor

Section 3-5. Removal of Officials.

The mayor may remove any person appointed under section 3-3 by filing a written statement with the city clerk setting forth in detail the specific reason or reasons therefor, a copy of which shall be delivered in hand, or mailed to the last known address of the person whose removal is sought, who may make a written reply, which if (s)he desires, may be filed with the city clerk and be a public record; but no such reply shall affect the action taken by the mayor unless the mayor so determines.

Section 3-6. Temporary Appointments.

Whenever a vacancy in an office appointed by the mayor occurs, whether by reason of death, disability, resignation, removal or otherwise, the mayor may appoint the head of another city office or agency, or a city officer or city employee, or some other person to perform the duties of the office for a period not to exceed three months. Such temporary appointment shall not be subject to review by the city council as provided in section 2-10. Whenever a vacancy continues beyond three months, the mayor may make a second three months appointment, (but - Deleted 12/9/2002). No - (Approved 12/9/2002) temporary appointment shall be continued for more than six months unless authorized by the city council.

Section 3-7. Administrative Assistant to the Mayor.

To aid him in performing the duties of his office the mayor shall, within sixty days following his inauguration, appoint, subject to the provisions of section 2-10, an administrative assistant who is professionally qualified as a municipal administrator by virtue of education, training and previous experience. The administrative assistant to the mayor need not be a resident of the City of Gloucester.

The administrative assistant to the mayor shall assist the mayor in the preparation of an annual operating budget for all city agencies, and shall, in cooperation with the city auditor, administer the operating budget throughout the year. He shall assist the mayor and the heads of all city agencies in the development of a capital outlay program and the preparation of a capital improvement budget. The mayor may delegate to the administrative assistant to the mayor any power or duty which he has under the charter other than the power to veto measures adopted by the city council or the power to appoint or to remove city officers, members of multiple-member bodies and department heads. Under the supervision of the mayor the administrative assistant to the mayor shall be specifically responsible for the following:

- (a) Coordination and supervision of all city agencies;
- (b) Submission of reports at such times as may be required;
- (c) Installation and maintenance of financial management and record keeping systems;
- (d) Conduct of a continuing study of the work of all city agencies and the preparation of management policies based on such studies;
- (e) Preparation of policy programs and ordinance recommendations affecting the management of the city;
- (f) Responsibility for the day-to-day administration of the personnel ordinance, personnel regulations and all collective bargaining agreements, other than those entered into by or in behalf of the school committee;
- (g) [\(Installation and - Deleted 12/9/2002\)](#) Maintenance of a centralized purchasing system covering all city agencies;
- (h) Such other powers, duties and responsibilities as may be delegated to him by the mayor.

The delegation of any power or duty by the mayor to the administrative assistant to the mayor may be terminated by the mayor, at will, but all acts of the administrative assistant to the mayor pursuant to such delegation prior to any such revocation by the mayor shall be and remain the acts of the mayor.

Code reference--Officers and employees generally, § 2-40 et seq.

Section 3-8. Communications; Special Meetings.

- (a) *Communications to the City Council* -- Within six weeks following the start of each fiscal year the mayor shall submit to the city council, and make available for public distribution, a complete report on the financial and administrative activities of the city for the preceding fiscal year, as provided in section 7-13. He shall from time to time throughout the year, by written communications, keep the city council fully informed of the financial condition and administrative problems of the city and shall recommend to them such measures for their consideration as, in his judgment, the needs of the city require.
- (b) *Special Meetings of the City Council* -- The mayor may at any time call a special meeting of the city council, for any purpose, by causing a notice of such

meeting to be delivered in hand or to the place of business or residence of each member of the city council. Such notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least forty-eight hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held.

(Referendum of 11-8-83)

Section 3-9. Approval of Mayor, Exceptions (Veto).

Every measure relative to the affairs of the city adopted by the city council, except (a) measures relating to the internal affairs of the city council, (b) memorial resolutions, (c) emergency measures as defined in section 2-11(b) and (d) the budget, shall be presented to the mayor for his approval. If the mayor does approve it, he shall signify his approval by signing it; if he does not approve it, he shall signify his disapproval by returning it with his objections, in writing to the city council. The city council shall enter the objections of the mayor upon its records and shall, forthwith reconsider such measure. If, on such reconsideration, two-thirds of the full council agree to pass the measure, it shall be considered approved. If any measure is not returned by the mayor within ten days following the day it is presented to him, it shall be considered approved. A filing with the clerk of the council shall be considered a return by the mayor to the city council. All votes taken on such returns by the mayor shall be by call of the roll.

State law reference(s)--Similar provisions, M.G.L.A. c. 39, § 4.

Section 3-10. Temporary Absence of the Mayor.

(a) *Acting Mayor* -- Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to perform the duties of his office for a period of three successive working days or more, the president of the city council shall be the acting mayor. In the event of the absence or disability of the president of the city council, the vice-president shall serve. In the event that the president or vice-president is unable to serve, a member of the city council in descending order of seniority on the council shall serve.

(b) *Powers of Acting Mayor* -- The acting mayor shall have all of the powers of the mayor except that he shall not make any permanent appointment or removal to or from any office unless the disability of the mayor shall have continued for more than sixty days, nor shall he approve or disapprove of any measure passed by the city council unless the time within which the mayor must act would expire before the return of the mayor. During any period in which the city council president, or vice president, is serving as acting mayor he shall not vote as a member of the city council.

(Referendum of 11-5-85)

State law reference(s)--Similar provisions, M.G.L.A. c. 39, § 5, c. 43, § 26.

Section 3-11. Vacancy in Office of Mayor.

(a) *Special Election* -- If a vacancy in the office of mayor occurs/is declared - (Approved 12/9/2002) in the first year of the term for which the mayor is elected,

whether by reason of death, resignation, removal from office, incapacity or otherwise the city council shall forthwith order a special election to be held within ninety days following the date the vacancy is created, to fill such vacancy for the balance of the then unexpired term.

(b) *Council Election* -- If a vacancy in the office of mayor occurs in the second year of the term for which the mayor is elected, whether by reason of death, resignation, removal from office, incapacity or otherwise, the clerk of the council shall forthwith call a special meeting of the city council, and the city council shall, by majority vote, taken by roll call, elect one of its members for the balance of the unexpired term. If the city council fails to elect one of its members as mayor within fourteen days of the date of the meeting called by the clerk of the council the president of the council shall become mayor. Upon the election and qualification of any member of the city council as mayor, under this section, a vacancy shall exist in his seat on the council which shall be filled in the manner provided in section 2-13.

(c) *Powers, Term of Office* -- The mayor elected under section 3-11(a) or (b) shall have all the powers of the mayor. He shall serve for the balance of the term unexpired at the time of his election to the office.

State law reference(s)--Similar provisions, M.G.L.A. c. 43, § 26.

ARTICLE 4. SCHOOL COMMITTEE*

***Code reference**--School committee generally, § 18-20 et seq.

State law reference(s)--Provisions relating to school committees, c. 43, § 31 et seq.

Section 4-1. Composition; Eligibility; Election and Term.

(a) *Composition* -- There shall be a school committee consisting of seven members which shall exercise control and management of the public schools of the city. Six of these members, who shall be known as school committee members, shall be nominated and elected by and from the voters at large. The mayor shall serve as the seventh member of the school committee, with full power to vote.

(b) *Eligibility* -- Any voter shall be eligible to hold the office of school committee member.

(c) *Election and Term* -- The term of office of school committee members shall be for two years, beginning on the first secular day of January following their election and until their successors are qualified.

(Referendum of 11-5-85)

State law reference(s)--Similar provisions, M.G.L.A. c. 43, § 31.

Section 4-2. Officers of the School Committee.

After a majority of the school committee members elect have been sworn the school committee shall be called together by the mayor, or in the absence of the mayor by the member present senior in years of service, who shall preside. The school committee shall then elect a chairman, a vice-chairman and a secretary, from among its members. The vice-chairman shall preside at all meetings of the school committee in the absence of the chairman and may perform such other duties as may be prescribed by vote of the school committee. The secretary shall keep the records of the committee and cause notice of all of its meetings to be sent to the members and made available to the public.

Code reference--Officers and employees generally, § 2-40 et seq.

Section 4-3. General Powers and Duties.

The school committee shall have all of the powers and duties which school committees are given under the general laws and may have such additional powers and duties as the city council may, from time to time, assign, by ordinance.

To the extent permitted by State Law, - (Approved 12/9/2002) the powers of the school committee shall include, but need not be limited to the following: (a) to appoint a superintendent of schools, for a term not to exceed two years, {beginning in an even numbered year} deleted (Approved 01/14/1999 Chapter 462 of Acts of 1998), who shall be charged with the day to day administration of the school system, subject to policy directives issued by the school committee; (b) to appoint all other officers and employees connected with the schools, fix their salaries, define their duties, make rules concerning their tenure of office and to discharge them; and (c) make all reasonable rules and regulations for the management of the public schools of the city and for conducting the business of the school committee as may be deemed necessary or desirable.

The school committee shall furnish all school buildings with proper fixtures, furnishings and equipment and shall provide ordinary maintenance of all school buildings and grounds, provided however, that the city council may, by ordinance, provide for the establishment of a centralized purchasing system, which may provide for the inclusion of purchases made under authority of the school committee, and it may also provide, by ordinance, for the creation of a centralized maintenance department which may include maintenance of school buildings and grounds.

State law reference(s)--School committee to appoint superintendent of schools, M.G.L.A. c. 43, § 32; powers and duties of school committee, M.G.L.A. c. 43, § 33.

Section 4-4. Prohibitions.

No school committee member, other than the mayor, shall hold any other city office or city employment under the jurisdiction of the school committee for which a salary or other emolument is payable from the city treasury while serving as a member of the school committee, or, until two years after the term for which he was elected has expired. This provision shall not prevent a person who has taken a leave of absence from such a position from returning to the same position after his term of office on the school committee has expired.

Section 4-5. Filling of Vacancies.

If a vacancy in the office of school committee member shall occur, the vacancy shall be filled by the candidate for the office of school committee member at the preceding city election who received the highest number of votes without being elected and provided such person is willing to serve. If a person who received such highest number of votes is not willing to serve, the other candidates in descending order of number of votes received shall be offered the vacancy until one accepts the office. If no such candidate is available, the school committee shall, within thirty (30) days following the date on which the vacancy is declared to exist, elect a suitable person from among the voters of the city to serve for the balance of the unexpired term. The city clerk shall certify the said candidate to the office of school committee member to serve for the balance of the unexpired term.

Whenever a vacancy exists on the school committee which is not filled when the next election occurs, it shall be filled by the person receiving the highest number of votes for the office of school committee member. After said committee man [member] is certified as elected by the city clerk he shall forthwith be sworn in and shall serve for the balance of the then unexpired term, in addition to the term for which he was elected.

(Referendum of 11-5-85)

State law reference(s)--Filling vacancies on school committee, M.G.L.A. c. 43, § 36.

Section 4-6. Exercise of Powers; Quorum; Rules of Procedure.

(a) *Exercise of Powers* -- Except as otherwise provided by law or by the charter, the powers of the school committee may be exercised in the manner determined by it.

(b) *Quorum* -- A majority of the school committee shall constitute a quorum. The affirmative vote of a majority of the full committee shall be necessary to adopt any financial measure. Except as otherwise provided by law or by the charter any other motion or measure may be adopted by a majority vote of those present.

(c) *Rules of Procedure* -- The school committee may from time to time adopt rules governing its proceedings. Regular meetings of the school committee shall be held at a time and place fixed by such rules. Special meetings of the school committee shall be held on the call of the mayor, or the chairman of the school committee, or in his absence by the vice-chairman, acting as such, or by any three or more members. Notice of such meetings shall be by delivery in hand, or to the place of residence or business of each member at least forty-eight hours in advance of the time set, except in case of emergency, of which the chairman of the school committee shall be the sole judge, when a lesser period shall suffice.

(Referendum of 11-8-83)

Section 4-7. Budget Hearing.

At least thirty days before the meeting at which the school committee is to vote on the budget request which it will submit to the mayor for inclusion in the budget he is required to submit to the city council, the school committee shall cause to be published in a local newspaper a general summary of its proposed budget. The summary shall indicate specifically areas of increase from the present budget, if any, and the reasons

for such increases and a notice stating (1) the times and places where complete copies of the budget will be available for examination by the public and (2) the date, time and place, not less than seven nor more than fifteen days following such publication when a public hearing will be held by the school committee on the proposed budget.

The action of the school committee in adopting the budget, following the public hearing, shall be summarized and the results of a roll call vote taken on each amendment offered to the proposed budget shall be duly recorded.

Code reference--Finance generally, § 2-560 et seq.

Section 4-8. Mayor to be Coordinator.

The mayor shall be responsible for the coordination of the activities of the school department with the activities of all other municipal agencies. He shall transmit all requests of the school committee which require action by the city council to the city council, and he shall, at the request of the city council, provide them with such information concerning such requests as may be deemed either necessary or desirable.

Section 4-9. Emergency Measures.

An emergency measure shall be introduced in the form and manner prescribed generally except that it shall be plainly designated as an emergency measure. A preamble which describes and declares that an emergency exists and which defines its nature in clear and specific terms shall first be separately voted upon and shall require the affirmative votes of two-thirds (2/3rd's) of the members of the school committee. Following such adoption of an emergency preamble the school committee may, by a two-thirds (2/3rd's) vote, pass the measure with or without amendment at the meeting at which it is introduced. Emergency measures shall stand repealed on the sixty-first day following their adoption, unless an earlier date is specified in the measure or unless a second emergency measure adopted in conformity with this section is passed extending it, or a measure adopted in conformity with the procedures used for measures generally [is] passed extending it.

(Referendum of 11-5-85)

Section 4-10. School Committee Access to Information.

(a) *In General* -- The school committee may make investigations into the affairs of the school system and into the conduct and performance of any agency under their jurisdiction, and for this purpose may subpoena witnesses, administer oaths, and require the production of evidence.

(b) *City Officers, Member of Multiple-Member Bodies and City Employees* -- The school committee may require any city officer, member of a multiple-member body or city employee to appear before it to give such information as the school committee may require in relation to the municipal services, functions, powers or duties which are within the scope of responsibility of the said city officer, member of a multiple-member body or city employee.

(c) *Mayor* -- In matters under its jurisdiction the school committee may at any time require the mayor to provide it with specific information on any matter within

its jurisdiction. The school committee may require the mayor to appear before it, in person, to respond to written questions presented to him. The mayor may bring with him on such occasions any assistant, department head, city officer or city employee he deems necessary to assist him in responding to the questions posed by the school committee. The mayor shall not be required to answer any questions not relevant to those presented to him in advance and in writing.

(d) *Notice Requirements* -- The school committee shall give at least five days written notice to any person it shall require to appear before it under the provisions of this section. Notice under this section shall be by delivery in hand.

(Referendum of 11-5-85)

ARTICLE 5. PLANNING AND COMMUNITY DEVELOPMENT*

***Editor's note**--Prior to its amendment approved at referendum November 5, 1985, Article 5, §§ 5-1--5-3, pertained to the comprehensive plan, as derived from the original Charter approved on November 4, 1975. **Code reference**--Planning generally, Ch. 16.

Section 5-1. The Planning Process.

(a) *Overview* -- Planning for the city shall be considered an on going process where economic development, environmental protection, and preservation of the city's heritage and neighborhood identity are balanced through citizen involvement and professional guidance.

(b) *Community Development Plan* -- The planning board shall prepare a community development plan as authorized by MGL chapter 41, section 81-D. Said plan shall set forth community development land use and the development or disposal of municipal facilities. The mayor and city council shall be provided with copies of the community development plan for their review and consideration.

(c) *Land Use and Development Regulations* -- In accordance with applicable provisions of the general laws, the city council may, by ordinance, adopt land use and development regulations, including, but not limited to, an official map and zoning ordinance.

(d) *Capital Improvement Program* -- A capital improvement program shall be prepared for the mayor's review and approval by the community development department with the advice of the planning board and the capital improvements advisory board.

The capital improvement program shall set forth the schedule for land acquisition, utility expansion or replacement, and major building projects for the next five years. The program shall include an explanation and cost projection for each item as well as expected funding sources for each item scheduled for the current year.

In the course of preparing the capital improvement program, the community development department shall contact all city agencies and departments to solicit project proposals. The mayor shall annually submit the updated capital improvement program to the city council for its review and recommendation.

(e) *Actions by Mayor, City Council and Multi-Member Bodies* -- The mayor, city council and all multi-member bodies shall seek to ensure that their actions and decisions are consistent with the community development plan, the official map, and the capital improvements program. If any such office, agency or board deems it essential to take an inconsistent action or decision, it shall transmit to the planning board a statement in writing, explaining the necessity, prior to the taking of the action or decision.

(Referendum of 11-5-85)

Section 5-2. Planning Board.

(a) *Authority and Purpose* -- The planning board, authorized and formed pursuant to MGL chapter 41, sections 81A--81J, shall be the city's primary agency responsible for the establishment of planning and community development policy. In addition to its statutory responsibilities, the planning board shall formulate policies which guide land use and the development of municipal facilities, and educate the public and other multi-member bodies with respect to those policies.

(b) *Relationship to Mayor, City Council and Community Development Department* -- The planning board, on its own initiative, or as requested by the mayor or city council, shall study issues or projects related to the development of the city and present its findings and recommendations to the mayor or city council. The planning board and community development department shall work cooperatively on all such studies.

(Referendum of 11-5-85)

Section 5-3. Community Development Department.

(a) *Purpose* -- There shall be established a community development department responsible for coordinating the physical growth and economic development of the city as well as the development of municipal facilities.

(b) *Structure* -- The community development department shall consist of several divisions, one of which shall be the planning division, to be headed by a professional city planner.

(c) *Responsibilities* -- The community development department shall:

(i) Advise the mayor on all matters affecting the development of the city;

(ii) Formulate and recommend to the mayor and planning board specific measures for the development of the city;

(iii) Review and make recommendations to the city council regarding measures considered by it which affect the development of the city;

(iv) Assist the planning board in the exercise of its responsibilities and in connection therewith to provide all necessary staff assistance;

(v) Assist other multi-member bodies which are involved with the physical development of the city or development of municipal facilities;

(vi) Maintain an inventory of all city-owned real property, rights-of-way, town landings, water bodies, water courses, and water ways, a record of the use to which each is being put and a record of the city agency responsible for the management of it;

(vii) Assist with the preparation of the mayor's capital improvement program; and

(viii) Such other powers, duties and responsibilities as may be provided by ordinance.

(d) *Community Development Director* -- The community development department shall be managed by a director of community development who shall be appointed by the mayor, after review and recommendation by the planning board, and confirmed by the city council.

The community development director shall hold an advanced degree in planning or public administration and have a minimum of six (6) years increasingly responsible experience in municipal planning, community development or management.

(Referendum of 11-5-85)

Section 5-4. Designer Selection Committee.

(a) *Composition, Mode of Selection, Term of Office* -- There shall be a designer selection committee which shall consist of three persons appointed by the mayor for each new project. In making his appointments to the committee the mayor shall seek to assure representation from as many of the following areas as is possible: architecture, landscape architecture, construction industry, art and finance.

(b) *Powers and Duties* -- Whenever an architect, or designer, is to be engaged by the city for any reason the designer selection committee shall be consulted and shall make the selection. All designers and architects in charge of a project shall be registered.

(Referendum of 11-5-85)

Section 5-5. City Building Committee.

(a) *Composition, Mode of Selection, Term of Office* -- Whenever an architect, or designer, is engaged by the city a city building committee shall be established for that project which shall consist of seven members appointed by the mayor for terms of three years each so arranged that the term of office of as nearly an equal number as is possible shall expire each year, provided however, that upon the completion of any project for which a committee is appointed under this section the terms of all members shall be terminated and the committee dissolved. In making his appointments to the committee the mayor shall assure representation from the following fields: the construction industry, the building trades, the municipal agency which will be responsible for the facility upon its completion, a person familiar with the use of such facilities in general, and three representatives of the public at large.

(b) *Powers and Duties* -- The committee shall be the representative of the city in all dealings with the architect, [or others subject to the pertinent authority of the Mayor and Chief Procurement Officer, as provided elsewhere in the Charter and statutes - \(Approved 12/9/2002\)](#) including but not limited to the following; preparation of all bidding documents; supervision of public bidding process; award of contract to successful bidder; compliance with the program and time requirements of the city; evaluation of the quality, appropriateness and functional attributes of the architect's solution or proposal; periodic meetings with the architect and builder to assure compliance as the project moves forward; review of all change orders during the construction phase; and all other powers and duties as are necessary and appropriate.

(Referendum of 11-5-85)

ARTICLE 6. FINANCIAL PROCEDURES*

***Code reference**--Finance generally, § 2-560 et seq.

State law reference(s)--Municipal finance, M.G.L.A. c. 44.

Section 6-1. Submission of Budget, Budget Message.

Within the period prescribed by state statute, the mayor shall submit to the city council a proposed budget for the ensuing fiscal year which shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year, an accompanying budget message, and supporting documents.

The mayor's message shall explain the budget for all city agencies both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current fiscal year in financial policies, expenditures, and revenues, together with the reasons for such changes, summarize the city's debt position, and include such other material as the mayor deems desirable or the city council may reasonably require.

State law reference(s)--Submission of budget to city council, M.G.L.A. c. 44, § 32.

Section 6-2. Action on the Budget.

(a) *Public Hearing* -- The city council shall, within seven days following its receipt of the proposed budget, publish in one or more local newspapers the general summary of the proposed budget as submitted by the mayor and a notice stating: (1) the times and places where copies of the proposed budget are available for inspection by the public, and (2) the date, time, and place, not less than two weeks after such publication, when a public hearing on said proposed budget will be held by the city council or a standing committee of the city council.

(b) *Adoption* -- The city council shall adopt the budget, with or without amendments, within forty-five days following the day the budget is received by it. In amending the budget, the city council may delete or decrease any programs or amounts except expenditures required by law or for debt service. If the city

council fails to take action with respect to any item in the budget within forty-five days after receipt of the budget, such amount shall, without any action by the city council, become a part of the appropriations for the year and be available for the purposes specified.

(Referendum of 11-8-83)

State law reference(s)--Procedures for approval, rejection or alteration of budget, M.G.L.A. c. 44, § 32.

Section 6-3. Independent Audit.

At least once in every two years an outside audit of the books and accounts of the city shall be made. In the event that the commonwealth shall fail in any such period to provide for such an audit to be conducted, within sixty days following the date a written request for them to do so is made by the city council, the city council shall provide for such an audit to be made by a certified public accountant, or firm of such accountants, who have no personal interests, direct or indirect, in the fiscal affairs of the city government or any of its officers.

State law reference(s)--Municipal auditing, M.G.L.A. c. 44, § 35 et seq.

ARTICLE 7. ADMINISTRATIVE ORGANIZATION*

***Code reference**--Administration generally, Ch. 2.

Section 7-1. Reorganization Plans by City Council.

Except as otherwise provided by law or the charter, the city council may by ordinance, reorganize, consolidate, or abolish any existing city agency in whole or in part, establish new city agencies, and prescribe the functions of any city agency. All city agencies under the direction and supervision of the mayor shall be headed and administered by officers appointed by him.

Section 7-2. Reorganization Plans by Mayor.

(a) *Submission* -- The mayor may, from time to time, prepare and submit to the city council reorganization plans which may, subject to applicable law and the charter, reorganize, consolidate, or abolish any city agency, in whole or in part, or establish new city agencies, as he deems necessary or expedient. Such reorganization plans shall be accompanied by an explanatory message when submitted.

(b) *Adoption* -- Every such reorganization plan shall, upon receipt by the clerk of the council, be referred to an appropriate standing committee of the city council. The city council shall, not more than thirty days later, hold a public hearing on the matter and the committee to which it was referred shall, within fourteen days following such hearing, issue a report stating either that it approves or that it disapproves of the plan. A reorganization plan shall become effective ninety days after the date it is received by the city council unless the city council

has prior to that date, voted to disapprove the reorganization plan. A reorganization plan presented by the mayor to the city council under this section, may not be amended by it, but shall either be approved or rejected as submitted and shall not be subject to the objection as provided in section 2-11(c).

Section 7-3. Publication of Reorganization Plan.

An up-to-date record of any reorganization plan under this article shall be kept on file in the office of the city clerk and copies of all such plans shall be included as an appendix in any publication of the ordinances of the city.

Section 7-4. Multiple-Member Bodies, Composition, Term of Office.

Except as otherwise directed by law, all multiple-member bodies shall consist of three or more members appointed for terms of three years each, so arranged that the term of one third of the members, or as nearly that number as may be, shall expire each year.

Code reference--Boards, commissions, councils and committees generally, § 2-400 et seq.

Section 7-5. Expiration of Terms.

Every appointment to city office shall begin on the fifteenth day of February for the term specified in the charter, or by ordinance, and shall continue until a successor is chosen and qualified, but in no case longer than six (6) months when the office shall be declared vacant.

(Referendum of 11-3-87)

Section 7-6. Notice of the Expiration of Terms.

(a) *Multiple-Member Bodies* -- Whenever a vacancy occurs on a multiple-member body, whether because of a death, a resignation, removal from the city or the pending expiration of a term for which a person has been appointed public notice of the vacancy or pending expiration of the term shall be given in the following manner:

(i) By publication in a local newspaper, by title, length of term, brief description of duties and a general indication of the qualities or attributes desired of candidates. Such notice shall also state the time within which persons who desire to be considered for appointment to such offices shall file a statement of interest, with whom, and shall indicate the form on which such application should be made.

(ii) A copy of all such notices shall be posted in one or more public places within the city.

(iii) At least twice a year a list containing all of the information in (i) above shall be sent to each organization in the city which has filed its name and mail address with the city clerk, and a request in writing, to receive such information.

(b) *City Office* -- Whenever a vacancy occurs in a city office, but not including the expiration of a fixed term of office when re-appointment of the incumbent is to be made, notice of the vacancy shall be given in the manner provided in (a)(i) and (ii) above and by publication in appropriate professional newsletters, journals and other publications.

Section 7-7. Information to be Given New Appointees.

In order to acquaint new members of multiple-member bodies with the work which will come before them, the chairman of each such body shall make available to each new member, the minutes of the meetings for the two prior years and copies of any applicable laws, rules or regulations governing the body. In addition, the chairman shall, within thirty days following any new appointment, meet with the new member and provide such orientation to the duties and responsibilities as may be deemed necessary or desirable.

Section 7-8. Applications to be Public; Exceptions.

All applications for appointment to any city office which constitutes a department head shall be open to inspection by the public. All such applications shall be kept in a record book, in the office of the city clerk, for a period of one year from the date of filing, provided however, if any applicant requests that his application be kept confidential it shall be so kept and a copy shall not be made available for public inspection. The mayor, and any other official who by reason of his public office or employment becomes aware of such confidential applications, shall respect the request of the applicant and shall not in any way breach the confidentiality requested.

Section 7-9. Meetings with City Council.

The city council shall, at least once during its term of office, hold a joint meeting with each multiple-member body of the city for the purpose of sharing information and concerns. Where appropriate, the city council may meet with two or more multiple-member bodies which deal with the same general subject matter, at one meeting. The city council may delegate this responsibility to one or more of its standing committees.

Section 7-10. Relations with Standing Council Committees.

Minutes of all meetings of all multiple-member bodies shall be filed with the clerk of the city council and the Sawyer Free Library. The clerk of the city council shall keep the city council informed of the receipt of all such minutes by noting on the agendas for all meetings of the city council, the minutes of multiple-member bodies received in the period since the previous agenda was prepared.

The city council shall assign general oversight of each multiple-member body to an appropriate standing committee of the city council in order to effect close coordination and liaison between such multiple-member bodies and the city council.

Section 7-11. Political Activity.

Any city officer, member of a multiple-member body or city employee may, in his capacity as a private citizen, become involved in a local campaign for the election of a

candidate to any city office or a campaign in favor of or in opposition to any other local issue which is to go before the voters of the city or the members of the city council, provided however, that personal participation by such persons shall not be made while actively engaged in his municipal duties and further, that no use whatsoever is made of the facilities, or the title or other description by which the city office, or multiple-member body or city employment which they hold, is known.

Section 7-12. Management Audits.

(a) *In General* -- A complete management audit of each city agency shall be made at least once every eight years in order to accomplish the following purposes:

- (i) To identify any areas which hinder or prevent the city agency from performing its assigned responsibilities, goals or objectives and to offer suggestions for the removal of such obstacles and to suggest ways in which the responsibilities, goals or objectives might better be met;
- (ii) To evaluate the adequacy of management practices being utilized in the agency with respect to fiscal controls and use of available personnel and equipment;
- (iii) To suggest specific ways and means by which the functions and services of the agency might be improved.

(b) *Elements to be Considered* -- Each such management audit shall include, but need not be limited to, a consideration of the following:

- (i) Organization, staffing and manpower;
- (ii) Adequacy of financial controls;
- (iii) Facilities and equipment;
- (iv) Goal setting, long and short range;
- (v) Procurement practices;
- (vi) Overtime policies;
- (vii) Cost comparisons with other municipalities and comparable private enterprise activities.

(c) *Organization of Reports* -- Each management audit shall consist of the following parts:

- (i) Introduction -- A brief explanation of methods used;
- (ii) Scope -- A statement of the extent of the examination made;
- (iii) Major Contacts -- A listing of the names of all persons interviewed in the conduct of the audit and an outline of the procedures used;
- (iv) Findings -- Details of the practices found during the audit, which in the opinion of the audit team, require modification or other change in order to strengthen and improve the agency and its performance;

(v) *Recommendations* -- Specific suggestions for action either by the agency through changes in its own internal policies or requiring action by the city council, based upon specific findings made.

(d) *Administration* -- The city council shall be responsible for the conduct of all management audits under this section. It shall award all contracts for such audits and shall, through its standing committee on ordinances and city administration, oversee the conduct of all such audits and the implementation of recommendations made therein. The city council may delegate the details of such overview to the city auditor or other designee who shall keep them fully informed of the implementation of the changes suggested in such audit reports by the city agencies concerned.

Section 7-13. Annual Report of the City.

(a) *In General* -- An annual report which contains a general summary of the activity of all city agencies shall be published. The annual report shall contain reports by the mayor, the city treasurer, city council, the city auditor, the school committee, and such other officers and multiple-member bodies as may be required by ordinance to provide such reports. The annual report shall be published in a local newspaper, for the convenience of the inhabitants, and additional copies shall be made available in the office of the city clerk for distribution upon request.

(b) *Application Forms to be Included* -- A form shall be provided in each annual report upon which voters of the city may make application for appointment as a member of a multiple-member body of the city, which may become vacant during the ensuing year. All such applications shall be retained for a period of three years from their receipt.

State law reference(s)--Annual reports, M.G.L.A. c. 40, § 49.

Section 7-14. Loss of Office, Excessive Absence.

(Referendum of 11-3-87)

Section 7-15. Personnel Practices.

(a) *Merit Principle* -- All appointments and promotions of city officers, members of multiple-member bodies and city employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence and suitability.

(b) *Civil Service Probationary Period* -- Not less than thirty days before the expiration of any probationary period in which a city employee is serving the immediate supervisor of such employee shall file a written report with a recommendation concerning such probationary employee attaining permanent status with the appointing authority and the mayor. Such report shall be signed by the appointing authority and the mayor and be retained in the personnel file of such employee, and a copy shall be made available to the said employee.

(c) *Personnel Report* -- The mayor shall annually file with the city council standing committee on ordinances and administration, a report listing all persons in the employ of the city and their status as such employee whether regular civil service, provisional civil service or not subject to civil service as the case may be and the date on which their employment by the city commenced in such position.

(Referendum of 11-8-83)

Code reference--Officers and employees generally, § 2-40 et seq.

State law reference(s)--Civil service, M.G.L.A. c. 31.

Section 7-16. Director of Public Works.

The director of public works shall be responsible for the supervision of all public works activities of the city, provided however, that the following powers and duties relating to public works shall be exercised in the manner hereinafter indicated:

(a) Any rate, fee or other charge shall be referred by the director of public works to the mayor for his review. The mayor shall file a notice with the city council of any change in rates, fees or other charges which is proposed and no such rate, fee or other charge shall be effective until it has been approved by the city council or more than ninety days following the filing of notice with the city council has elapsed without action by the city council;

(b) All rules and regulations regarding the use of public beaches, parks, playgrounds and other municipal facilities shall be referred by the director of public works to the mayor for his review. The mayor shall file a notice of such proposed rules and regulations with the city council and no such rule or regulation shall become effective until it has been approved by the city council or more than ninety days following the filing of notice with the city council has elapsed without action by the city council.

Code reference--Department of public works generally, § 2-280 et seq.

Sections 7-17, 7-18. Reserved.

Editor's note--Former §§ 7-17 and 7-18, designer selection committee and city building committee, have been replaced by §§ 5-4 and 5-5, respectively, of this charter, added by referendum of November 5, 1985.

Section 7-19. Reports of the City Treasurer.

The city treasurer shall, at least semi-annually, file with the city council a report which contains a detailed listing of all banks, trust companies and other depositories where city funds were held on deposit, whether time deposits or demand deposits, the length of time such funds were so held, the interest if any, earned on such deposits and the average daily balance for the period reported on held in each such depository. Said report shall also contain a listing of all other investments made by the city treasurer within the period covered by the report.

Code reference--City treasurer generally, § 2-70 et seq.**ARTICLE 8. NOMINATIONS AND ELECTIONS***

***Code reference**--Elections generally, Ch. 7.

State law reference(s)--Election of officers, M.G.L.A. c. 41, § 1 et seq.; method of electing officers, M.G.L.A. c. 43B, § 18; elections generally, M.G.L.A. cs. 50--57.

Section 8-1. City Elections: General and Preliminary.

The regular city election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

On the fifty Tuesday preceding every regular city election there shall be held a preliminary election for the purpose of nominating candidates.

(Referendum of 11-5-85)

Section 8-2. Nonpartisan Elections.

All elections of city officers shall be nonpartisan, and election ballots for such officers shall be printed without any party mark emblem, or designation whatsoever.

Section 8-3. Preliminary Elections.

(a) *Signature Requirements* -- The number of signatures of voters required to place the name of a candidate on the official ballot to be used at a preliminary election shall be as follows: for the office of mayor not less than three hundred; for the office of school committee member not less than one hundred-fifty; for the office of councillor at-large not less than one hundred-fifty; and for the office of ward councillor not less than seventy-five signatures of voters of the ward.

(b) *Ballot Position* -- The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the city clerk in the presence of such candidates or their representatives.

(c) *Determination of Candidates for Election* -- The two persons receiving at a preliminary election the highest number of votes for nomination for an office shall be the sole candidates for that office whose names shall be printed on the official ballot to be used at the regular election at which such office is to be filled, and no acceptance of a nomination at a preliminary election shall be necessary to its validity. If two or more persons are to be elected to the same office at such regular election, the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office shall be the sole candidates for that office whose names shall be printed on the official ballot.

If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon candidates to a number exceeding twice the number to be elected.

(d) *Nomination of Candidates, Conditions Making Preliminary Election Unnecessary* -- If at the expiration of the time for filing statements of candidates to be voted for at any preliminary election not more than twice as many such statements have been filed with the city clerk for an office as candidates are to be elected to such office, the candidates whose statements have thus been filed shall be deemed to have been nominated to said office, and their names shall be voted on for such office at the succeeding regular election, and the city clerk shall not print said names upon the ballot to be used at said preliminary election and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of the city, no preliminary election shall be held in any such ward or wards.

Section 8-4. Regular Election.

Ballot Position -- The order in which names of candidates appear on the ballot for each office in a regular city election shall be determined by a drawing by lot conducted by the city clerk in the presence of such candidates or their representatives.

Section 8-5. Special Election for Mayor.

Whenever a special election is to be held for the office of mayor under the provisions of section 3-11(a), no preliminary election shall be held. All candidates who file nomination papers which are certified by the board of registrars of voters to contain the number of signatures of voters required by section 8-3(a) shall be entitled to have their names appear upon the ballot for the said election. The candidate who receives the highest number of votes shall be declared elected.

Section 8-6. Wards.

The territory of the city shall be divided into five wards so established as to consist of as nearly an equal number of inhabitants as it is possible to achieve based on compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well-defined limits. Each ward shall be divided into voting precincts in accordance with state statutes. The city council shall from time to time review such wards to insure their uniformity in number of inhabitants.

Code reference--Wards and precincts generally, § 7-15 et seq.

Section 8-7. Application of State Laws.

Except as expressly provided in the charter and authorized by state law, all city elections shall be governed by the laws of the commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, regular, and special elections, the submission of charter amendments and other propositions, the counting of votes, and the declaration of results.

State law reference(s)--Applicability of state election laws, M.G.L.A. c. 43B, § 17.

ARTICLE 9. FREE PETITION; INITIATIVE; REFERENDUM*

***Code reference--**Elections generally, Ch. 7.

Section 9-1. Free Petition.

(a) *Individual Petitions, Action Discretionary* -- The city council and the school committee shall receive all petitions signed by one or more voters and addressed to either of them and may, in their discretion, take such action in regard to such petitions as they deem necessary and advisable.

(b) *Group Petitions, Action Required* -- The city council or the school committee shall hold a public hearing and act with respect to every petition which is addressed to it and which is signed by at least one hundred-fifty voters. The hearing shall be held by the city council or the school committee, or in either case, by a committee or subcommittee thereof, and the action by the city council or school committee shall be taken not later than three months after the petition is filed with the clerk of the council or secretary of the school committee. Hearings on two or more petitions filed under this section may be held at the same time and place. The clerk of the council or the secretary of the school committee shall mail notice of the hearing to the ten petitioners whose names first appear on each such petition at least seven days before the hearing. The city council or the school committee shall publish in one or more local newspapers a general summary of the subject matter of such petitions and a notice stating: (1) the times and places where copies of the citizen petitions are available for inspection by the public, and (2) the date, time, and place not less than two weeks after such publication, when a public hearing on said petitions will be held by the city council or school committee.

Section 9-2. Citizen Initiative Measures.

(a) *Commencement of Proceedings* -- Initiative procedures shall be started by the filing of an initiative petition with the clerk of the council or [the] secretary of the school committee[,] as may be. The petition shall be addressed to the city council or to the school committee, shall contain a request for passage of a particular measure set forth in the petition, and shall be signed by not less than ten per cent of the total number of voters. Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the registrars of voters as one instrument, with the endorsement thereon of the name and address of the person designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

Within five days after the filing of said petition[,] the registrars of voters shall ascertain by what number of voters the petition is signed, and what percentage that number is of the total number of voters, and shall attach thereto their certificate showing the result of such examination.

The registrars of voters shall hold the petition and their certificate available for public inspection during ordinary office hours for two full days, and unless written objections to the certificate of the registrars of voters are filed by a voter within said period, the registrars of voters certificate shall be deemed conclusive. If objections are

so filed, they shall be disposed of forthwith in the manner provided by general laws, chapter 53.

If no objections are so filed, the registrars of voters shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to the person designated on the petition as filing the same.

(b) *Referral to City Solicitor* -- If the registrars of voters determine that a sufficient number of the signers are voters, the clerk of the council or the secretary of the school committee shall transmit a copy of the petition to the city solicitor. Within fifteen days after his receipt of the petition the city solicitor shall advise the clerk of the council or the secretary of the school committee in writing whether the measure may be proposed by initiative procedures and whether it may lawfully be passed by the city council or the school committee. If the opinion of the city solicitor is that the measure may not lawfully be passed, he shall state his reason or reasons therefor in his reply. The clerk of the council or the secretary of the school committee shall furnish a copy of the solicitor's opinion to the person designated on the petition as filing the same and to the first ten petitioners.

(c) *Action on Petition* -- Within thirty days after an initiative petition is presented to the city council or the school committee, and after publication and a public hearing, in the same manner as provided in section 2-11(d) for ordinances and loan orders, the city council or the school committee shall act with respect to the initiative measure by passing it without change, or by rejecting it, or by passing some other measure stated to be in lieu thereof. The passage of a measure in lieu of an initiative measure shall be deemed a rejection of the initiative measure. If the city council or the school committee fails to act with respect to the initiative measure as required by this section within thirty days after presentation, the measure shall be deemed to have been rejected on the thirtieth day after presentation. If an initiative measure is rejected, the clerk of the council or secretary of the school committee shall promptly give written notice of that fact to the first ten petitioners. Initiative measures shall not be subject to charter objections as provided in section 2-11(c).

(d) *Supplemental Petitions* -- Within forty-five days after notice of the rejection of an initiative measure has been given by the clerk of the council or secretary of the school committee, a supplemental initiative petition addressed to the city council or the school committee may be filed in the office of the registrars of voters. The supplemental initiative petition shall be signed by a number of additional voters which is at least equal to five per cent of the total number of voters. If the number of signatures to a supplemental initiative petition is deemed sufficient by the registrars of voters, the city council shall provide for submission of the initiative measure to the voters at the next regular city election. The provisions of section 9-2(a) shall apply insofar as applicable to such petition.

(e) *Immediate Submission to Voters* -- If the supplemental initiative petition is signed by a number of additional voters which is at least equal to ten per cent of the total number of voters as aforesaid, the city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the voters at that

election; provided, that if any city election is otherwise to occur within one hundred and twenty-five days after the date of said certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

Publication -- The full text of the measure shall be published in at least one local newspaper at least seven days before the election at which the question is to appear on the ballot.

(g) *Form of Ballot* -- The ballots used when voting upon a proposed measure under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect?

(Text of measure or a fair, concise summary prepared by the city solicitor and approved by the registrars of voters) Yes No

(h) *Time of Taking Effect* -- If a majority of the votes cast on the question is in the affirmative the measure shall be deemed to be effective forthwith, unless a later date is specified in the measure.

State law reference(s)--Provisions relating to initiative petitions, M.G.L.A. c. 43, § 37 et seq.

Section 9-3. Citizen Referendum Procedures.

(a) *Referendum Petition, Effect on Final Approval* -- If, within twenty-one days after the final approval of any measure by the city council or by the school committee, a petition signed by voters equal in number to at least ten percent of the total number of voters, and addressed to the city council or to the school committee as the case may be, protesting against such measure or any part thereof taking effect, is filed in the office of the registrars of voters the same shall thereupon and thereby be suspended from taking effect. The city council or the school committee, as the case may be, shall forthwith reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the voters either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the voters voting on the same at such election vote in favor thereof.

(b) *Certain Initiative Procedures to Apply* -- The petition described in this section shall be termed a referendum petition and insofar as applicable sections 9-2(a), (b), and (f), shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section whenever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

State law reference(s)--Provisions relating to referendum petitions, M.G.L.A. c. 43, § 42 et seq.

Section 9-4. Initiative and Referendum: Ineligible Measures.

None of the following measures shall be subject to initiative or referendum procedures: (1) proceedings relating to the organization or operation of the city council or school committee, (2) an emergency measure adopted in conformity with the charter, (3) the city budget or the school committee budget as a whole, (4) revenue loan orders, (5) any appropriations for the payment of the city's debts or obligations, (6) appropriations of funds necessary to implement a written agreement executed under collective bargaining, (7) any proceedings, or part thereof, relating to the election, employment, appointment, suspension, transfer, demotion, removal or discharge of any city officer or employee, (8) any proceedings repealing or rescinding a measure, or a part thereof, which is protested by referendum procedure and (9) any proceeding providing for the submission or referral of a matter to the voters at an election.

Section 9-5. Submission of Proposed Measure to Voters.

The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administration, submit to a vote of the voters for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure, in the same manner and with the same force and effect as are hereby provided for submission on petition.

Section 9-6. Measures with Conflicting Provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Section 9-7. Advisory Questions to Voters.

At each regular city election there may appear on the ballot up to three non-binding advisory questions to determine voter sentiment. Two of these questions shall be proposed by the city council and shall deal with the affairs of the city in general. The third question may be posed by the school committee and shall, if so used, deal with a question relating to affairs under its jurisdiction. In the event that the city council or the school committee do not use the questions allowed them under this section, the city council or school committee may propose up to three questions.

Within three months following the organization of the city government following each election the city council or the school committee shall take up the subject matter of the advisory questions which were proposed by it and act upon their merits.

Nothing in this section shall preclude the public from initiating an advisory question under General Laws chapter 53 section 18A and article 9 of the city charter.

(Referendum of 11-3-87)

Section 9-8. Recall -- City of Gloucester.

The holder of any elective office may be removed at any time by the voters qualified to vote at city elections, and the procedure to effect his removal shall be as follows: a petition signed by a number of the voters of the city qualified to vote at city elections equal to at least twenty per cent of the aggregate number of registered voters

in the city, and demanding an election of a successor of the person sought to be removed, shall be filed in the office of the city clerk. The petition shall contain a general statement of the grounds for which the removal is sought. It need not be on one paper, but may consist of several distinct papers, each containing the said demand, and substantially upon the same grounds; and all papers containing such demand and statement, which in any one day shall be filed in the office of the city clerk, shall be deemed parts of the same petition. Each signer shall add to his signature his place of residence, on the preceding first day of January, giving the street and the street number if any. One signer of every such paper shall make oath upon his information and belief, before a notary public or a justice of the peace, that the statements therein made are true, and that each signature to the paper is the genuine signature of the person whose name it purports to be.

Within ten days after the date of filing the petition, the city clerk, with the assistance of the registrars of voters, shall examine the petition to ascertain whether or not it is signed by the required number of qualified voters, as above described, and shall attach to the petition a certificate, showing the result of his examination.

If the petition is certified by the city clerk to be sufficient, he shall present the same to the city council without delay, and the municipal council shall call an election so demanded, and fix a date for holding the same, which shall not be less than thirty nor more than forty-five days after the date of the presentation of the petition by the city clerk to the municipal council. The city clerk shall make or cause to be made all arrangements for holding such election, and the same shall be held and conducted, returns thereof made and the results thereof declared in all respects as in the case of other city elections. The successor of any elected official so removed shall hold the office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate at the election, and unless he requests otherwise in writing, the city clerk shall place his name on the official ballots without nomination. The candidate receiving the highest number of votes shall be declared elected. If some person other than the incumbent received the highest number of votes, the incumbent shall thereupon be deemed to be removed from office. In case a person, other than the incumbent, receiving the highest number of votes shall fail to make oath before the city clerk or a justice of the peace, within five days after his election, faithfully to perform the duties of the office, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office until the end of the term which he was serving at the time of the said election, unless sooner removed therefrom by new and like proceedings. The name of no candidate, other than that of the person sought to be removed, shall be printed on the official ballots to be used at the election, unless the candidate be nominated as hereinbefore provided, at a preliminary election for nomination.

No recall petition shall be filed against an elected official of said city within three months after he takes office, nor in the case of an officer subjected to a recall election and not removed thereby, until at least six months after that election.

No person who has been recalled from an office in said City of Gloucester, who has resigned from office while recall proceedings were pending against him, shall be appointed to any city office within five years after such removal by recall or resignation. This shall not preclude any person from running for elected office within said city.

(Referendum of 11-5-85)

ARTICLE 10. GENERAL PROVISIONS

Section 10-1. Charter Changes.

(a) *In General* -- This Charter may be replaced, revised or amended in accordance with the procedures made available by article LXXXIX (eighty-nine) of the amendments to the state constitution and any legislation enacted to implement the said amendment.

(b) *Periodic Review* -- The city council standing committee on ordinances and administration shall in each year ending in zero review the charter and submit a report with recommendations to the full city council concerning any proposed amendments or revisions to the charter.

Section 10-2. Severability.

The provisions of the charter are severable. If any provision of the charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 10-3. Specific Provisions Shall Prevail.

To the extent that any specific provision of the charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

Section 10-4. Rules and Regulations.

A copy of all rules and regulations adopted by any city agency shall be filed in the office of the city clerk and made available for review by any person who requests such information and no such rule or regulation shall become effective until it is so filed.

Section 10-5. Reenactment and Publication of Ordinances.

The city council shall at five year intervals cause to be prepared a proposed revision or recodification of all city ordinances which shall be submitted to the city council for reenactment. The city council shall adopt the proposed revision or recodification with or without amendment prior to the expiration of the calendar year in which it is submitted to them. Such revisions or recodifications shall be prepared under the supervision of the city solicitor, or if the city council so directs, by special counsel retained for that purpose. Copies of the revised or recodified ordinances shall be made available for distribution, provided however, that a charge not to exceed the actual cost per copy of reproduction may be charged.

In each year between such reenactments[,] an annual supplement shall be published which shall contain all ordinances and amendments to ordinances adopted in the preceding year.

Section 10-6. Procedures.

(a) *Meetings* -- All multiple-member bodies of the city, whether elected or appointed or otherwise constituted, shall meet regularly at such times and places within the city as they may prescribe. Special meetings of any multiple-member body shall be held on the call of the respective chairman or by one-third of the members thereof by written notice delivered in hand or to the residence or place of business of each member at least twenty-four hours in advance of the time set. A copy of the said notice shall also be posted on the city bulletin board(s). Special meetings of any multiple-member body shall also be called within one week after the date of the filing with the city clerk of a petition signed by at least one hundred fifty voters and which states the purpose or purposes for which the meeting is to be called. Except as otherwise authorized by general laws, all meetings of all multiple-member bodies shall be open to the public and to the press.

(b) *Rules and Journal* -- Each multiple-member body shall determine its own rules and order of business unless otherwise provided by the charter or by law and shall provide for keeping a journal of its proceedings. These rules and journals shall be a public record, and certified copies of each shall be placed on file in the office of the city clerk and in the Sawyer Free Library.

(c) *Voting* -- If requested by any member, any vote of any multiple-member body shall be taken by a roll call vote and the ayes and nays shall be recorded in the journal, provided, however, that if the vote is unanimous, only that fact need be recorded.

Each multiple-member body shall establish and maintain, by its own rules, a list of specific types of actions which will require an accompanying statement of purpose. The statement of purpose shall contain the reasons why the majority of the multiple-member body voted for or against. Such statements shall be entered upon the records of the multiple-member body, in full, for the purpose of providing guidance to future bodies regarding matters that might again be brought before the body, matters that might be the subject of court action, or any other matter requiring the intent of the members of the multiple-member body when voting.

(d) *Quorum* -- A majority of the members of a multiple-member body shall constitute a quorum, but a smaller number may adjourn from time to time. No other action without a quorum shall be valid or binding unless ratified by the affirmative vote of the majority of the full multiple-member body.

(e) *Filings with Multiple-Member Bodies* -- Unless otherwise provided by statute, the charter, or by ordinance, all applications or petitions which are to be acted upon by a multiple-member body shall be made in the first instance with and to the full multiple-member body. A record shall be made in the minutes of the receipt of all such applications or petitions. The multiple-member body may, upon such receipt, by vote, refer such matters to a sub-committee, or to a paid employee for negotiation, solicitation or further information, or otherwise, to report back to the full multiple-member body before any final action is taken on the matter.

Section 10-7. Number and Gender.

Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; and words importing the masculine gender shall include the feminine gender.

Section 10-8. References to General Laws.

All references to the general laws contained in the charter refer to the general laws of the Commonwealth of Massachusetts and are intended to include any amendments or revisions to such chapters and sections or to the corresponding chapters and sections or any rearrangement of the general laws enacted subsequent to the adoption of the charter.

Section 10-9. Definitions.

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in the charter shall have the following meaning:

- (a) *Charter* -- The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under Article LXXXIX (eighty-nine) of the amendments to the State Constitution.
- (b) *City* -- The word "city" shall mean the City of Gloucester.
- (c) *City Agency* -- The words "city agency" shall mean any board, commission, committee, department or office of the city government.
- (d) *Emergency* -- The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, or condition which necessitates immediate action.
- (e) *Full Council* -- The words "full council" shall mean the entire authorized complement of the city council notwithstanding any vacancies which might exist.
- (f) *Initiative Measure* -- The words "initiative measure" shall mean a measure proposed by initiative procedures under the charter.
- (g) *Local Newspaper* -- The words "local newspaper" shall mean a newspaper of general circulation within the City of Gloucester.
- (h) *Majority Vote* -- The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present.
- (i) *Measure* -- The word "measure" shall mean an ordinance adopted or which could be adopted by the city council, or an order, resolution, vote or other proceeding adopted or which could be adopted by the city council or the school committee.
- (j) *Multiple-Member Body* -- The words "multiple-member body" shall mean any appointed body consisting of two or more members.
- (k) *Planning Board* -- The words "planning board" shall mean any other board or office performing the duties of a planning board for the city.
- (l) *Referendum Measure* -- The words "referendum measure" shall mean a measure protested by referendum procedures under the charter.

(m) *Voters* -- The word "voters" shall mean registered voters of the City of Gloucester.

Section 10-10. Certificate of Election and Appointment; Oath of Office.

Every person who is elected, including those elected by the city council, or appointed by the mayor to an office shall receive a certificate of such election or appointment from the city clerk.

Except as otherwise provided by law, before performing any act under his election or appointment, he shall take and subscribe to an oath to qualify him to enter upon his duties. A record of the taking of such oath shall be made by the city clerk. An oath required by this section may be administered by the mayor or any officer authorized by law to administer oaths.

State law reference(s)--Oath of office for city officers, M.G.L.A. c. 41, § 107.

ARTICLE 11. TRANSITIONAL PROVISIONS

Section 11-1. Continuation of Existing Ordinances.

All ordinances, rules, regulations and resolutions of the city which are in force at the time the charter is adopted, not inconsistent with the provisions of the charter, shall continue to be in force until amended or repealed; provided, however, that the mayor shall be deemed to be the city manager wherever such officer is referred to in any law, ordinance, rule, regulation or resolution.

Section 11-2. Continuation of Government.

All city agencies shall continue to perform their duties until reappointed, re-elected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred to another city agency.

Section 11-3. Continuation of Administrative Personnel.

Any person holding an office or position in the administrative service of the city, or any person serving in the employment of the city shall retain such office, position or employment and shall continue to perform his duties until provisions shall have been made for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the city shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practicable.

Section 11-4. Transfer of Records and Property.

All records, property, and equipment whatsoever, of any city agency or part thereof, the powers and duties of which are assigned in whole or in part to another city agency shall be transferred forthwith to the city agency to which such powers and duties are transferred and assigned.

Section 11-5. Effect on Obligations, Taxes, Etc.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the city before the adoption of the charter, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the charter; and no legal act done by or in favor of the city shall be rendered invalid by the adoption of the charter.

Section 11-6. Disposition of Special Laws.

(a) *Certain Special Laws Partially Repealed* -- The following special laws, insofar as they confer a power on the City of Gloucester which the city would not otherwise be permitted to exercise under the constitution or general laws are retained; otherwise, they are hereby repealed, it being the explicit intent of this paragraph that portions of any special laws retained which limit or restrict a power conferred or the manner in which it is to be exercised be repealed and that powers so conferred are to be exercised in accordance with the charter:

Chapter 365, Acts of 1853; Chapter 143, Acts of 1869;

Chapter 451, Acts of 1895; Chapter 137, Acts of 1917;

Chapter 14, Acts of 1925; Chapter 224, Acts of 1925;

Chapter 260, Acts of 1956; Chapter 343, Acts of 1956;

Chapter 522, Acts of 1958; Chapter 339, Acts of 1959;

Chapter 631, Acts of 1963; Chapter 693, Acts of 1967.

(b) *Certain Special Laws Repealed* -- The following special laws are hereby repealed:

Chapter 130, Acts of 1859; Chapter 222, Acts of 1864;

Chapter 226, Acts of 1890; Chapter 389, Acts of 1890;

Chapter 441, Acts of 1896; Chapter 323, Acts of 1900;

Chapter 254, Acts of 1917; Chapter 100, Acts of 1965;

Chapter 559, Acts of 1965; Chapter 751, Acts of 1967.

(c) *Certain Special Laws Repealed - Action Taken Thereunder Preserved* -- The following special laws are hereby repealed; provided, however, such action shall not be construed to revoke, or to invalidate or otherwise alter things done in compliance with or under the authority of such special laws heretofore:

Chapter 371, Acts of 1869; Chapter 246, Acts of 1873;

Chapter 167, Acts of 1881; Chapter 191, Acts of 1886;

Chapter 128, Acts of 1888; Chapter 64, Acts of 1889;

Chapter 127, Acts of 1891; Chapter 326, Acts of 1891;

Chapter 106, Acts of 1895; Chapter 459, Acts of 1897;

Chapter 352, Acts of 1902; Chapter 176, Acts of 1908;

Chapter 611, Acts of 1908; Chapter 351, Acts of 1914;
Chapter 396, Acts of 1914; Chapter 142, Acts of 1917;
Chapter 188, Acts of 1917; Chapter 63, Acts of 1920;
Chapter 409, Acts of 1923; Chapter 32, Acts of 1924;
Chapter 60, Acts of 1924; Chapter 464, Acts of 1924;
Chapter 48, Acts of 1926; Chapter 98, Acts of 1927;
Chapter 124, Acts of 1930; Chapter 345, Acts of 1930;
Chapter 221, Acts of 1931; Chapter 121, Acts of 1935;
Chapter 160, Acts of 1938; Chapter 109, Acts of 1941;
Chapter 135, Acts of 1943; Chapter 34, Acts of 1943;
Chapter 338, Acts of 1948; Chapter 161, Acts of 1949;
Chapter 175, Acts of 1949; Chapter 390, Acts of 1949;
Chapter 619, Acts of 1950; Chapter 188, Acts of 1951;
Chapter 295, Acts of 1951; Chapter 234, Acts of 1952;
Chapter 161, Acts of 1953; Chapter 322, Acts of 1954;
Chapter 97, Acts of 1955; Chapter 177, Acts of 1955;
Chapter 206, Acts of 1955; Chapter 442, Acts of 1955;
Chapter 443, Acts of 1955; Chapter 363, Acts of 1956;
Chapter 180, Acts of 1957; Chapter 414, Acts of 1957;
Chapter 81, Acts of 1959; Chapter 203, Acts of 1961;
Chapter 329, Acts of 1963; Chapter 544, Acts of 1968;
Chapter 347, Acts of 1969; Chapter 383, Acts of 1970;
Chapter 390, Acts of 1970; Chapter 500, Acts of 1970;
Chapter 275, Acts of 1972; Chapter 142, Acts of 1974.

(d) *Certain Special Laws Recognized and Retained:* The following special laws are hereby specifically recognized and retained:

Chapter 8, Acts of 1840;
Chapter 124, Acts of 1866; Chapter 245, Acts of 1867;
Chapter 133, Acts of 1869; Chapter 59, Acts of 1871;
Chapter 366, Acts of 1873; Chapter 285, Acts of 1874;
Chapter 82, Acts of 1875; Chapter 116, Acts of 1876;
Chapter 103, Acts of 1882; Chapter 109, Acts of 1883;
Chapter 176, Acts of 1892; Chapter 379, Acts of 1902;

Chapter 230, Acts of 1920; Chapter 68, Acts of 1960;
Chapter 698, Acts of 1965; Chapter 872, Acts of 1966;
Chapter 257, Acts of 1966; Chapter 343, Acts of 1967;
Chapter 441, Acts of 1970; Chapter 741, Acts of 1970;
Chapter 1024, Acts of 1973.

(e) The following special laws are recognized, but no action is taken with regard to any of them:

Chapter 190, Acts of 1867; Chapter 279, Acts of 1901;
Chapter 254, Acts of 1902; Chapter 271, Acts of 1917;
Chapter 161, Acts of 1924; Chapter 1, Acts of 1927;
Chapter 50, Acts of 1927;
Chapter 310, Acts of 1939; Chapter 105, Acts of 1948;
Chapter 786, Acts of 1951; Chapter 625, Acts of 1953;
Chapter 252, Acts of 1954; Chapter 261, Acts of 1958;
Chapter 382, Acts of 1962; Chapter 754, Acts of 1969;
Chapter 87, Acts of 1970; Chapter 198, Acts of 1970;
Chapter 545, Acts of 1972; Chapter 921, Acts of 1973;
Chapter 1065, Acts of 1973.

(Referendum of 11-8-83)

Section 11-7. Time of Taking Effect.

This charter shall become fully effective on July 1, 1976 except to the extent that other provision is made in the following schedule:

(a) As soon as practicable after the election at which the charter is adopted a special districting committee shall be organized by the city clerk, who shall serve as chairman, ex-officio, to consist of one member of the city council, one member of the school committee, one member of the board of assessors, one member of the board of registrars of voters, one member of the planning board, one member of the charter commission, one member of the Gloucester League of Women Voters, one member of the Gloucester Chamber of Commerce each of the aforesaid to be designated by the body of which they are a member and a representative, for the purpose of drawing the five wards from which city councillors are to be elected.

The ward lines shall be drawn so as to contain as nearly an equal number of inhabitants as is possible in compact and contiguous territory, bounded insofar as possible by the center line of known streets or ways or by other well defined limits.

Not later than January 31st in the year following the year in which the charter is adopted the special districting committee shall prepare and publish a preliminary report

concerning a proposed division of the city into five wards as required by section 2-1. Not later than February 15th in said year, the special districting committee shall conduct a public hearing on the proposed wards. The final report of the special districting committee shall be filed not later than March 15th in the year following the year in which the charter is adopted.

The five wards established under this section shall be effective for the purpose of a special municipal election to be held on June 8, 1976 for the purpose of electing a mayor and a city council in accordance with the provisions of the charter. A preliminary election, for the purpose of nominating certificates, shall be held on the fourth Tuesday preceding the special election (May 11, 1976). These elections shall be held in accordance with the provisions of this charter. The terms of office of members of the school committee shall not be affected, but the terms of all city councillors elected at the election at which the charter was adopted shall be terminated upon the inauguration and the assumption of their respective powers and duties by the mayor and the new city council on July 1, 1976. The office of city manager shall be abolished on the date the charter becomes fully effective.

The special districting committee in establishing the five wards for the election of city councillors shall, if the precinct lines to be used for the election of representatives to the general court have already been fixed, use such precinct lines in the formation of the five wards.

(b) Until such time as some other salary is established, in accordance with the provisions of the charter, the following salaries shall serve for the respective offices: for the office of the mayor, \$19,500.00 per annum; for the office of member of the city council, \$1,500.00 per annum; for the office of administrative assistant to the mayor, \$18,500.00 per annum.

(c) The provisions of 2-5 (vi) shall not be effective until January 1, 1977.

(d) The term of office of the city clerk and the city auditor, in the manner provided in section 2-7, shall begin in 1978. In order to achieve this cycle the election of the clerk and the auditor in 1977, when the current terms expire, shall be for one year.

(e) The provisions of section 3-8(a) shall not be effective until July 1, 1977.

(f) Any multiple-member body which is not in conformity with the provisions of section 7-4 shall be brought into conformity with the said election by the appointment of successor members to such bodies for terms of three years, or such lesser number of years as will cause as nearly an equal number of terms as is possible to expire each year.

(g) The provisions of section 7-6(a, iii) shall not become effective until January 1, 1977; the other portions of the said section shall, however, become effective on July 1, 1976.

(h) The designer selection committee which is required by section 7-17 shall be appointed prior to October 1, 1976; provided, however, that following the adoption of the charter no architect shall be engaged by the city until such a committee has been appointed to make the selection.

(i) All rules and regulations of the several city agencies which are not on file in the office of the city clerk, as required by section 10-4, shall be deemed to

have been properly filed if they are placed on file within ninety days following the date of the election at which the charter is approved by the voters.

(j) As soon as practicable following their inauguration in July, 1976, the city council shall provide for the review and recodification of city ordinances in the manner provided in section 10-5 and shall provide for such revision to be effective on January 1, 1977.

(k) City agencies shall have until January 1, 1977 to adopt the rules required by section 10-6(c).

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances contained in this chapter and in the chapters following shall constitute and be designated as the "Code of Ordinances of the City of Gloucester, Massachusetts," and may be so cited. Any such ordinances may also be cited as the "Gloucester City Code."

(Code 1970, § 1-1)

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all other ordinances of the city, the following definitions and rules of construction shall be observed, unless such definitions or rules would be inconsistent with the manifest intent of the city council or the context of the Code or ordinance in question:

Charter. The words "Charter" or "the Charter" shall mean the Gloucester Home Rule Charter, as published in Part I of this volume.

City. The word "city" shall mean the City of Gloucester.

City council. The words "city council" or "council" shall mean the duly elected city council of the City of Gloucester, Massachusetts.

Code. The words "Code" or "this Code" shall mean the Code of Ordinances of the City of Gloucester, Massachusetts.

Commonwealth. The word "commonwealth" shall mean the Commonwealth of Massachusetts.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day is Sunday or a legal holiday, that shall be excluded.

County. The words "county" or "this county" shall mean the County of Essex, Commonwealth of Massachusetts.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the city to do some act or perform some duty, or granting some right to him as such official it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty, or it shall grant to them such right, unless the terms of the provisions designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Joint authority. All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Liability for offenses. When anything is prohibited in this Code or in any other ordinance, not only the person actually doing the prohibited thing, but also the employer and any person concerned therein, shall be liable to the prescribed penalty.

May. The word "may" is always permissive and never mandatory.

Month. The word "month" shall mean a calendar month.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Officers, boards, departments, etc. Whenever any officer, board, department or other agency is referred to by title, such reference shall be construed as if followed by the words "of the City of Gloucester, Massachusetts," unless indicated to the contrary.

Or, and. The word "or" may be read "and," and the word "and" may be read "or" if the sense requires it.

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

Person. The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

Poppers/snappers. Any of a type of explosive contained inside of paper or other material which purpose is to explode upon contact with a hard surface when thrown or tossed.

Power to license. When in this Code or in any other ordinance of the city anything is prohibited from being done without the permission or license of a certain officer or board, any such officer or board shall have the power to permit or license the thing to be done.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Shall. The word shall is always mandatory and never permissive.

Sidewalk. The word "sidewalk" shall mean a strip within the public way in front or on the side of a house or lot of land lying between the property line and the street.

Signature. If the written signature of a person is required, it shall always be his own handwriting or if he is unable to write, his mark.

Silly string is defined as the produce of the same name and any similar product sold or used for amusement that ejects a soft, rubbery substance.

Statute references. Whenever reference is made to M.G.L.A. c. _____, § _____, it shall mean Massachusetts General Laws Annotated.

Street or way. The words "street" or "way" shall include streets, avenues, roads, alleys, lanes, viaducts and all other public ways in the city, including any bridge which is a part thereof, all of which shall have been decreed, dedicated or accepted by due process of law.

Tenant, occupant. The words "tenant" or "occupant," when applied to a building or land, shall mean any person holding a written or oral lease therefor or any person who occupies the whole or part of any such building or land, either alone or with others.

Tense. Words used in the past or present tense include the future as well as the past and present.

Writing. The words "writing" and "written" shall include printing and any other mode of representing words and letters.

Year. The word "year" shall mean calendar year.

(Code 1970, § 1-3; Ord. of 11-29-88, § I(I); Ord. No. 29-1992, § I, 11-10-92)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section, and shall not be deemed to be taken to be titles of such sections, nor as any part thereof.

(Code 1970, § 1-4)

Sec. 1-4. History notes.

The history notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Sec. 1-5. References and editor's notes.

The references and editor's notes appearing throughout the Code are not intended to have any legal effect but are merely intended to assist the users of the Code.

Sec. 1-6. Effect of repeal of ordinances.

The repeal of any ordinance shall not affect any act done, any right accruing or accrued or established or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, nor any offense committed, nor any

penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal for any offense committed, or for the recovery of any penalty or forfeiture incurred under any of the provisions so repealed. All persons who, at the time when the repeal shall take effect, shall hold any office under any of the ordinances so repealed, shall continue to hold the same according to the tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made. When any ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

(Code 1970, §§ 1--2(b), 2-26)

Charter reference(s)--Continuation of existing ordinances, section 11-1.

Sec. 1-7. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) Any ordinance accepting or adopting the provisions of any statute of the commonwealth;
- (2) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (3) Any administrative order of the city council not in conflict or inconsistent with the provisions of this Code;
- (4) Any right or franchise conferred by any ordinance or resolution of the city council to any person or corporation;
- (5) Any zoning ordinance or any ordinance making changes in the zoning map;
- (6) Any collective bargaining agreement between the city and its employees;
- (7) Any ordinance establishing prices for grave sites in any city-owned cemetery;
- (8) Any ordinance pertaining to city personnel regulations, salaries, benefits or retirement of officers or employees of the city or pertaining to any department, board or other agency administering any such ordinances;
- (9) Any ordinance pertaining to trailer coaches and trailer coach parks;
- (10) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;

- (11) Any ordinance adopting, amending, modifying or administering a fire prevention code;
- (12) Any ordinance describing the boundaries of the wards and precincts of the city;
- (13) Any ordinance establishing or prescribing street grades of any street in the city;
- (14) Any appropriation ordinance;
- (15) Any ordinance levying or imposing taxes;
- (16) Any ordinance dedicating or accepting any plat or subdivision in the city;
- (17) Any ordinance extending the boundaries of the city;
- (18) Any ordinance adopted after the effective date of the ordinance adopting this Code;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

(Code 1970, §§ 1--2, 2-26)

Sec. 1-8. Enacting clause of ordinances.

All bylaws of the city shall be called ordinances and the enacting clause thereof shall be, "Be it ordained by the City Council of the City of Gloucester as follows:".

(Code 1970, § 1-5)

Sec. 1-9. Recordation of ordinances.

All ordinances shall be engrossed by the city clerk, in the order in which they are passed, in a book of records.

(Code 1970, § 1-6)

Sec. 1-10. When ordinances take effect.

Every ordinance which does not expressly prescribe the time when it shall go into operation shall take effect thirty-one (31) days after its passage and in no case shall an ordinance take effect less than thirty-one (31) days after its passage.

(Code 1970, § 1-7)

Sec. 1-11. Severability of parts of Code.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, any such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

(Code 1970, § 1-10)

Sec. 1-12. Amendments and additions to Code.

Whenever the city council adopts any ordinance in amendment of, or in addition to, this Code, it shall be by amending or repealing the specific section of the particular chapter dealing with the subject matter of the proposed ordinance. Any such chapter and section shall be referred to by number, in order that the structure of this Code may be maintained.

Sec. 1-13. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and title for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code);
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-14. General penalty for violation of Code and ordinances.

(a) Any person violating the provisions of any section of this Code or of any ordinance of the city, where no specific penalty is stated or none is prescribed by state law, shall, upon conviction, be fined not more than three hundred dollars (\$300.00) for each offense.

(b) All fines and penalties for violations of this Code or any other ordinance of the city, or any order of the city council shall, when recovered, inure to the use of the city and be paid into the city treasury, unless otherwise directed by law or ordinance.

(Code 1970, §§ 1-8, 1-9)

State law reference(s)--Municipal authority to prescribe penalty for ordinance violations, M.G.L.A. c. 40, § 21.

Sec. 1-15. Penalty for violation of certain specified sections of Code.

Violation of the following Code sections may be enforced noncriminally by way of the ticketing procedures set forth in M.G.L.A. c. 40, § 21D. For the purpose of this section the specific penalty which is to apply for a violation of each such section shall be as listed below and the municipal officers or employees whose titles are listed under such section shall be deemed to be enforcing officers for each such section:

Chapter 4, section 4-21 (Dog Fouling):

Penalty: First offense in a calendar year, twenty-five dollars (\$25.00); second and subsequent offenses in a calendar year, fifty dollars (\$50.00).

The enforcement officer for violation is the animal control officer.

Chapter 5, Article II, section 5-19, (inspections of buildings erected on pilings):

Each day a violation continues will be treated as a separate offense. A violation of this ordinance shall be three hundred dollars (\$300.00) per day and/or condemnation of the building.

Chapter 6, section 6-4 (visitors conduct), but excluding section 6-4(e)(11):

Penalties: Penalties shall be set at a minimum of fifty dollars (\$50.00) for the first violation with further violations to be up to three hundred dollars (\$300.00).

Enforcing persons: Board of health, department of public works, police department.

Chapter 6, section 6-4(e)(11) (animals/public cemeteries):

Penalties in accordance with Chapter 4 "Animals".

Enforcing persons: Animal control officer, police department.

Chapter 9, Article I, sections 9-1 and 9-9 (garbage and litter):

Penalty: Twenty dollars (\$20.00) for each of the first three (3) offenses; one hundred dollars (\$100.00) thereafter.

Enforcing persons: Police officers, parking control officers, health agents, health inspector, building inspector and building inspector's assistant and school department's director of operations [and school] facilities supervisor.

Chapter 9 (Trash, Recycling and Litter), section 9-8 (littering prohibited):

Upon finding violation of section 9-8, the district court shall fine the violator according to the severity of the violation of up to three hundred dollars (\$300.00) for each offense.

Enforcing persons: Police officers, board of health members or their agents.

Penalty: One hundred dollars (\$100.00) per violation. Each day of violation shall constitute a separate offense.

Enforcing persons: Harbormaster, assistant harbormasters, police officers.

Chapter 10, Sec. 10-53 "Use of public ramp at DunFudgin"

Penalty: Twenty-five dollars (\$25.00) per violation. Each day of violation shall constitute a separate offense.

Enforcing persons: Harbormaster, assistant harbormasters, police officers. (Ord. 03-24, 6/10/2003)

Chapter 14, Article I, Sec. 14-14 (Smoking on School Grounds) and

Board of Health Regulations prohibiting involuntary exposure to tobacco products to minors. (Ord. 03-24, 6/10/2003)

Penalty: twenty-five dollars (\$25.) for the first offense; fifty dollars (\$50.) for the second offense; and one hundred dollars (\$100.) for the third and subsequent offenses. (Ord. 02-46 10/22/2002)

Chapter 14, Article II, sections 14-26 through 14-33 (alarm systems):

Penalty: Section 14-27(a), (b), (c), (d), or (e) or 14-29--Twenty-five dollars (\$25.00)

Section 14-30(b)--Twenty-five dollars (\$25.00) for the fourth false alarm [and fifty dollars (\$50.00) for each false alarm] thereafter. These penalties are for a single-alarm system. The penalties apply to multiple-alarm systems after the number of alarms is greater than three (3) times the number of systems. After thirty (30) days of the date of the assessment(s), penalties unpaid will be assessed a ten dollar (\$10.00) per day delinquency surcharge.

Enforcing persons: Fire or police personnel, designated by the fire chief or police chief.

Chapter 21, Article 1, section 21-4(c) (house numbers):

Penalty: Written warning notice on first offense. Twenty dollars (\$20.00) for second offense, and fifty dollars (\$50.00) for each offense thereafter.

Enforcing persons: The enforcement officer for violation of section 21-4(b) is the building inspector or his agent.

This method of enforcement is optional and shall not supplant enforcement by criminal complaint or indictment brought in the District Court.

Chapter 21, section 21-11 (playing ball, etc.):

Penalties:

1st offense: Written warning notice.

2nd offense: Twenty-five dollars (\$25.00).

3rd offense and each offense thereafter: Fifty dollars (\$50.00).

Enforcing persons: Police department personnel.

Chapter 22, Article V, section 22-150 (loading and unloading on city streets):

Penalty:

First offense: One hundred dollars (\$100.00) for truck and one hundred dollars (\$100.00) for firm.

Second offense: Two hundred dollars (\$200.00) for truck and two hundred dollars (\$200.00) for firm.

Third and consecutive offenses: Five hundred dollars (\$500.00) for truck and five hundred dollars (\$500.00) for firm.

Enforcing persons: Police officers or parking control officers.

Chapter 23, Article III, section 23-60 (water use restrictions):

Penalty: Fifty dollars (\$50.00) for first violation. One hundred dollars (\$100.00) for subsequent violations.

Enforcing persons: Department of public works, water division personnel; fire or police personnel; health agents and health inspectors.

Chapter 23, Article IV, Division I, section 23-77 (pole specifications):

Penalty: One hundred dollars (\$100.00) per instance to the owner(s) of record of the pole or poles in question.

Enforcing persons: Director, department of public works or designee.

(Ord. of 8-4-87, § I; Ord. of 2-16-88, § I; Ord. of 2-14-89, § I; Ord. of 4-4-89; Ord. No. 20-1990, § I, 9-25-90; Ord. No. 17-1993, 12-14-93; Ord. No. 12-1994, § I, 8-9-94; Ord. No. 26-1997, § I, 2-4-97; Ord. No. 27-1997, § I, 2-4-97; Ord. No. 30-1997, § I, 2-18-97; Ord. No. 44-1997, § I, 3-18-97; Ord. No. 63-1997, § I, 9-16-97; Ord. No. 78-1998, § I, 2-17-98; Ord. No. 94-1998, § I, 7-7-98; Ord. No. 113-1998, § I, 8-3-98)

Chapter 2 ADMINISTRATION*

***Charter reference(s)**--Form of government mandated, section 1-3; powers of the city, section 1-4; provisions relating to administrative organization, section 7-1 et seq.

Cross reference(s)--Elections, Ch. 7; planning, Ch. 16; administration and enforcement of traffic and motor vehicle regulations, § 22-20.

ARTICLE I. GENERAL

Sec. 2-1. City seal--Design.

The official seal of the city shall be in the following design: A representation of a schooner under sail, with Eastern Point Lighthouse in the distance, and in a circle surrounding the same, the words "City of Gloucester, incorporated 1873," the whole to be arranged as shown below.

(Code 1970, § 2-2)

State law reference(s)--Duty to establish city seal, M.G.L.A. c. 40, § 47; unauthorized use of seal, M.G.L.A. c. 268, § 35.

Sec. 2-2. Same--Custodian; use.

The city clerk shall be custodian of the city seal and shall affix, or permit the mayor or any other city officer to affix, the same to any deed, lease, indenture or instrument executed by the city which requires a seal.

(Code 1970, § 2-3)

State law reference(s)--Duty to designate custodian of city seal, M.G.L.A. c. 40, § 47.

Sec. 2-3. Disposition of real property owned by the city.

(a) General Provisions.

(1) *Definitions.* For the purpose of this section "disposition of real property" shall mean the sale, conveyance, or transfer of any interest in real property owned by the city, including but not limited to sale of a fee interest in said real property, the grant of an easement, license or any other less than fee simple interest, the leasing of city real property, or the exchange of real property.

(2) *Council authorization.* No building, land or other real property or rights or interests therein shall be disposed of without prior order from the city council authorizing said disposition by the mayor. The council may impose any condition, restriction, or other limitation on the building of property as it deems appropriate, consistent with the General Laws.

(3) *Method of dispositions.* All disposition of real property shall be pursuant to the bidding and proposal requirements of M.G.L.A. c. 30B unless the property is specifically excluded from chapter 30B.

(4) *Price.* A minimum bid price shall be established by the city council, with the assistance of the assessors, using comparable sales analysis based on the highest and best use of the land. Minimum bid and sale prices shall not be subject to change except by the city council. All prices shall include a two hundred dollar (\$200.00) charge for administrative costs.

(5) *Reserved.*

(6) *Splitting or combining of lots.* The mayor shall not recommend and the council shall not approve the sale or other disposition, except leasing, licensing or granting an easement, of any parcel of land that is less than an entire lot as shown on the city assessor's maps. The mayor may recommend and the council may approve the combining of lots for disposition subject to the laws relative to subdivision control.

(b) *Procedure For Sale.*

(1) *[Requests for disposition of property.]* Requests for council authorization for the disposition of city-owned real property may be initiated by the mayor or a member of the public.

a. *By the mayor.* The mayor shall from time to time, but at least annually, advise the council whether or not any city-owned real property has been determined to be surplus or otherwise appropriate for disposition. Prior to making such recommendations, said property shall be reviewed by the department of community development, department of public works, treasurer, general counsel, or any executive department agency, board or commission having jurisdiction over said property or who are otherwise deemed appropriate to comment, who shall make recommendations as to whether or not the property shall be disposed of and any conditions that should be placed upon said disposition.

b. *Preliminary review.* The mayor, on advice of the department of community development, prior to any review required by paragraph (b)(1)a, [shall] determine whether the property is subject to M.G.L.A. c. 40, §§ 15 or 15A, or Amendment Article 97 of the Massachusetts Constitution, or is a playground, parkland, or town landing and advise the council.

c. *By the public.* Any member of the public may make a written request through the city clerk to dispose of any real property owned by the city. Said request shall be submitted on forms provided by the city clerk and shall contain the person's name, address, telephone number, the assessor's map and lot number of the parcel, the street address of the parcel, the size of the parcel, current zoning applicable to the property and the proposed use of the parcel if disposition is authorized. However the member of the public making a request shall not be allowed to acquire the property except by following all applicable competitive procedures of M.G.L.A. c. 30B.

(2) *Quarterly review of recommendations and requests.* In the months of March, June, September and December on the third Tuesday the council shall review all requests and recommendations for the disposition of city-owned real property received pursuant to paragraph (b)(1). No later than two (2) weeks before those dates the mayor shall submit a status report to the council on property previously approved for disposition.

(3) *Sale of parcels to abutters.* Except as otherwise provided in this section, when a city-owned parcel not contiguous to any other city-owned parcel is determined to be suitable for disposition but unbuildable by virtue of insufficient lot area and other conditions such as wetlands, topography, soil conditions or similar other conditions, the director of community development and the building inspector shall notify the mayor. Pursuant to subparagraphs (b)(1)a and b the mayor shall advise the council. The council may instruct the city clerk to notify the abutters by certified mail that these lots would be available for purchase at a minimum price to be established by the council. This notice shall be done together with and in the same manner as the advertisement for proposals required by M.G.L.A. c. 30B. If the council has voted to dispose of the parcel as required by c. 30B and section 2-3(a)(2) of this article, the procedures required by M.G.L.A. c. 30B shall then be followed. The property shall be sold to the highest bidder whose bid exceeds the minimum price established by the council. If no bid exceeds the minimum price set by the council, the mayor may accept the highest bid offered subject to two-thirds approval of the full city council.

(c) *Reserved.*

(d) *Easements, licenses, and other less than fee simple conveyances.*

(1) All requests for the grant of an easement, license or other less than fee simple conveyance, except for a lease, shall be subject to all of the provisions of subsections (a) and (b) except as herein modified.

(2) The petitioner upon filing a request for an easement, etc., shall, in addition to the information required by subparagraph (b)(1)c, provide a detailed statement setting forth the need for said easement, etc., and provide a copy of a plan indicating the location and approximate metes and bounds of said proposed easement, etc.

(3) If the council votes to authorize the disposition of said easement or other such interest the applicable procedures of M.G.L.A. c. 30B shall be followed. The buyer shall bear the costs for providing to the city's general counsel a recordable plan with the precise metes and bounds of the grant.

(4) All easements, etc., for septic disposal systems shall contain a provision that they shall expire within six (6) months after sewerage is available to the property and that the buyer shall be required to connect to said sewer within those six (6) months.

(e) *Lease.*

(1) All votes to authorize leases of real property by the city to third parties, shall be approved by a two-thirds vote of the full city council.

(2) The mayor shall recommend to the city council all terms and conditions of the lease, including the rent to be charged.

(3) The term of all leases shall be for a period of one (1) year unless otherwise allowed by a provision of the General Laws, in which case the term may be up to the maximum period allowed by said General Laws.

(4) All leases of city-owned real estate are subject to the requirements of M.G.L.A. c. 30B and therefore no amendment or option to renew a lease may be entered into without first obtaining the approval of the chief procurement officer in addition to then obtaining city council approval.

(Code 1970, § 2-15; Ord. of 10-28-80, §§ 1--5; Ord. of 12-16-86, § I; Ord. of 9-8-87, § I; Ord. No. 12-1991, 4-9-91)

State law reference(s)--Municipal authority to hold, lease and convey property, M.G.L.A. c. 40, § 3; sale or other disposal of realty, disposition of proceeds, M.G.L.A. c. 44, § 63; sales of public land, payment of taxes, M.G.L.A. c. 44, § 63A.

Sec. 2-4. Marking and use of city vehicles.

All motor vehicles owned by the city, with the exception of unmarked police vehicles, shall be permanently lettered "City of Gloucester" on the outside of both front doors, together with the name of the department in which they belong, in letters not less than one and one-half (1 1/2) inches in height and in strong contrast to the color of the car. All such motor vehicles shall be used solely for city business, unless otherwise authorized by the mayor, with appropriate Tax Form 1099 submitted for private use of city vehicles. The mayor shall issue, annually, to the city council a complete list of all city employees who are authorized to utilize city-owned vehicles for travel between the city and place of domicile.

(Code 1970, § 2-6; Ord. No. 9-1997, § I, 1-21-97)

Sec. 2-5. City Hall--Rules and regulations for letting, use.

(a) The mayor may make such rules and regulations for the letting of the city hall as he may from time to time deem expedient, and make and regulate the terms and conditions by which the same shall be let.

(b) No alcoholic beverages will be served, sold or consumed in City Hall or in any city building, excluding the American Legion Building as long as the lease and/or rental agreement is in effect between the city and the American Legion; further, excluding school buildings which are under the jurisdiction of the school committee.

(Code 1970, §§ 2-7, 2-9; Ord. No. 53-1996, §§ I, II, 11-26-96)

Sec. 2-6. Same--Duties of junior custodian.

During his hours of duty, each junior custodian shall have the care and custody of the city hall and see that the same is kept in good condition, under the direction of the mayor.

(Code 1970, § 2-8)

Sec. 2-7. Student Government Day.

Annually, a day known as "Student Government Day" in the city shall be designated by the city clerk and by the school department who shall cooperate with each other in the programming and planning thereof.

(Code 1970, § 2-13; Ord. of 7-24-75, § 1)

Sec. 2-8. Golden Agers' Day.

There is hereby created and established in the city a day to be known as "Golden Agers' Day" at which time members of the Golden Age Club, by election among their organization, shall assume the positions of mayor and council, in a similar manner as student government day. The city clerk shall expedite same in conjunction with the Golden Age Club.

(Code 1970, § 2-13.1)

Secs. 2-9--2-19. Reserved.

ARTICLE II. CITY COUNCIL*

***Cross reference(s)**--Administrative orders of the city council not in conflict or inconsistent with the provisions of this Code saved from repeal, § 1-7(3).

Sec. 2-20. Constitutes governing body.

The city council shall be the governing body of the city as provided in sections 1-3 and 2-1 of the charter.

(Code 1970, § 2-72)

Sec. 2-21. Election, composition and term of office.

The city council shall be elected in the manner and for the terms specified in section 2-1 of the charter. It shall consist of nine (9) members.

(Code 1970, § 2-73)

Sec. 2-22. Legislative powers.

The city council shall exercise all legislative powers as provided by sections 1-3, 2-1 and 2-14 of the charter.

(Code 1970, § 2-74)

Sec. 2-23. Organization.

The city council, after its election, shall meet and organize as provided in section 2-2 of the charter.

(Code 1970, § 2-75)

Sec. 2-24. Meetings; public hearings, planning review sessions.

(a) Regular meeting of the city council shall be held on Tuesday, in the Fred J. Kyrouz Auditorium, City Hall, on such dates as determined by the council president or by a majority vote of the city council, time and place of council meetings may only be changed by a majority vote of the council, except in the case of an emergency.

(b) Special meetings may be held when called in conformance with section 2-5 of the charter. Notice of special meetings shall state the time of the meeting and the purpose thereof, and shall be signed by the person calling the meeting.

(Code 1970, § 2-76; Ord. No. 21-1999, § I, 8-17-99)

Sec. 2-25. Yeas and nays and recording of vote required.

All final votes on questions which come before the city council shall be by yeas and nays and shall be entered on the records, as provided in section 2-5 of the charter.

(Code 1970, § 2-77)

Sec. 2-26. Tax classification, timing and notice.

Pursuant to Massachusetts General Laws, Chapter 40, Section 56, percentages of local tax levy for property (tax classification) each year in the month of October, the city council shall hold a public hearing to determine the percentage of local tax levy to be borne by each class of real and personal property. In the triennial year where the commissioner certified the board of assessors that all property is being assessed at full and fair cash value every effort shall be made to comply with the intent of this section. Notice of the hearing shall be in accordance with the open meeting law, and additionally, by two (2) hearing notices appearing in a newspaper serving the city, the first notice appearing at least fourteen (14) days prior to the hearing. To the extent possible, the notice shall appear on the back page of the first section of the newspaper.

(Ord. No. 33-1997, § I, 3-18-97)

Secs. 2-27--2-39. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

***Charter reference(s)**--Procedures for appointments to city offices, section 2-10.

Cross reference(s)--Collective bargaining agreements between city and its employees saved from repeal, § 1-7(6); ordinances pertaining to city personnel regulations, salaries, benefits or retirement of officers of the city or pertaining to department, board, or other

agency administering such ordinances saved from repeal, § 1-7(8); dog officer, § 4-20; fire chief to act as forest warden, § 8-23; harbormaster, deputy harbormaster and assistant harbor master, § 10-20 et seq.; officers of planning board, § 16-17; provisions relating to chief of police, § 17-20 et seq.; provisions relating to supervisor of attendance of schools, §§ 18-2, 18-3; shellfish constable, deputy shellfish constable, § 20-1; sewer inspectors, § 23-40; inspector of wires, § 23-75 et seq.; provisions relating to tree warden, § 24-16 et seq.; provisions pertaining to sealer of weights and measures, § 26-1 et seq.

DIVISION 1. GENERALLY

Sec. 2-40. Records and reports of departments and officers.

All department heads and other officers of the city government shall keep and furnish such records and reports, in book form or otherwise, as shall be prescribed by the city auditor.

(Code 1970, § 2-144)

Sec. 2-41. Filing statements of money received with auditor.

All officers and department heads which pay over to the city treasurer fees or money received by them, as required by section 2-72 shall, at the same time, file with the city auditor an itemized statement of the sources from which such fees or money were received and the amount thereof.

(Code 1970, § 2-147)

Sec. 2-42. Filing itemized accounts with auditor.

All offices and department heads required to deposit bills with the city treasurer or send out bills for collection shall file with the city auditor an itemized account of the same with the statement of the accounts to which the same should be credited when paid, and upon payment thereof, report of the items shall be made by the city treasurer to the city auditor and to the department for which it was made.

(Code 1970, § 2-146)

Sec. 2-43. Official bonds.

(a) Every city officer, before entering upon the discharge of the duties of his office, shall give such bond as the city council may from time to time require, unless otherwise provided by law or ordinance.

(b) A registry of all surety bonds required by this section shall be kept by the city auditor.

(c) All premiums for the surety bonds required in this section shall be paid by the city.

(d) Surety companies which shall provide bonds under this section shall be authorized to transact business in the commonwealth.

(Code 1970, § 2-25)

State law reference(s)--Fidelity bonds, payment of premiums, M.G.L.A. c. 41, § 109A.

Sec. 2-44. Special municipal employees.

(a) The following positions, agencies, boards, commissions, committees, etc., are designated and classified as special municipal employees:

<u>Archives and Records Advisory Commission</u>	<u>Forestry Fire Warden</u>
<u>Armory Commission</u>	<u>Historical Commission</u>
<u>Board of Appeals, Building</u>	<u>Historic District Commission</u>
<u>Board of Appeals, Zoning</u>	<u>Housing Authority</u>
<u>Board of Health</u>	<u>Industrial Development Commission</u>
<u>Capital Improvement Advisory Board</u>	<u>Industrial Development Finance Authority</u>
<u>Citizens Advisory Committee</u>	<u>Licensing Commission</u>
<u>City Building Committees</u>	<u>Mariner's Medal Committee</u>
<u>City Electrician</u>	<u>Planning Board</u>
<u>City Forester</u>	<u>Registrar of Voters</u>
<u>City Veterinarian</u>	<u>Sanders Temperance Fund Agent</u>
<u>Community Development Block Grant Advisory Board</u>	<u>School Committee</u>
<u>Community Pier Association</u>	<u>Shellfish Advisory Commission</u>
<u>Conservation Commission Control</u>	<u>Superintendent Insect and Pest</u>
<u>Council for Aging</u>	<u>Tourist Commission</u>
<u>Designer Selection Committee</u>	<u>Traffic Commission</u>
<u>Director of Civil Defense</u>	<u>Tree Warden</u>
<u>Dog Control Board</u>	<u>Trust Funds, Board of Commission</u>
<u>Downtown Development Commission</u>	<u>Vocational Advisory Committee</u>
<u>Economic Development Industrial Corporation</u>	<u>Youth Committee</u>
<u>Fisheries Commission</u>	

(b) Persons employed by the city as professional consultants, specifically including the following: Appraising, Law, Medicine, Engineering and Architecture, Auditing and Management, Science, Public Relations and Writing, Investment Counseling, Aesthetics; shall be classified as special municipal employees.

(Ord. of 5-8-79, § 1(2-62); Ord. No. 15-1994, § 1, 8-23-94)

Editor's note--Provisions amending § 2-62 of the 1970 Revision of the Ordinances, have been included herein at the discretion of the editor as § 2-44.

Secs. 2-45--2-49. Reserved.

DIVISION 2. MAYOR*

***Charter reference(s)**--Provisions relating to mayor, section 3-1 et seq.

Sec. 2-50. Closing offices; ordering display of flags.

The mayor may order the public buildings or any of the public offices of the city to be closed, not exceeding one (1) day at a time, whenever he deems it expedient, and may at any time order flags to be displayed thereon and on any city flagstaff.

(Code 1970, § 2-94)

Sec. 2-51. Supervision of municipal insurance.

(a) All municipal insurance, including fire, liability, fiduciary, bonds and protective insurance of all kinds, shall be in the charge of the mayor or his designee.

(b) In case a loss is suffered under any policy of insurance held by the city, such loss shall immediately be reported by the department head or board in control of such property to the mayor, who shall take the necessary steps to recover for such loss.

(Code 1970, § 2-5)

Sec. 2-52. Signing or approval of contracts, deeds, etc.

All agreements, contracts, deeds, indentures, instruments or leases that may be given or required to be executed by the city shall be signed or approved by the mayor and sealed with the seal of the city.

(Code 1970, § 2-92)

Sec. 2-53. Discharge, release or assignment of mortgages.

Whenever any person, having lawful authority to redeem any estate mortgaged to the city, shall make application to the mayor for such purpose, the mayor shall have the power, on payment of the money due on such mortgage to the city treasurer, to discharge, release or assign the same, without liability or recourse to the city, and to execute, in behalf of the city, any and all legal instruments that may be necessary for this purpose, with authority to seal the same with the seal of the city.

(Code 1970, § 2-93)

Sec. 2-54. Compensation.

The mayor will receive annual compensation of sixty-five thousand dollars (\$65,000.00) per annum, effective January 1, 1998.

(Ord. No. 6-1996, § J, 3-19-96)

Secs. 2-55--2-59. Reserved.

DIVISION 3. CITY CLERK*

***State law reference(s)**--City clerks generally, M.G.L.A. c. 41, § 12 et seq.; appointment and term of city clerk, M.G.L.A. c. 43, § 18.

Sec. 2-60. General duties; permitting removal of records.

(a) The city clerk shall perform all the duties required by the general laws of the commonwealth, the charter, this Code and the other ordinances of the city.

(b) The city clerk shall have the care and control of the city records, and of all documents, maps, plans and papers of the city, respecting the care and custody of which no other provision is made. He shall keep all records and documents belonging to his office in his custody, and shall in no case, except upon summons in due form of law or when the temporary removal of records and documents in his custody is necessary or convenient for the transaction of the business of the courts, or the performance of the duties of his office, cause or permit any record or document to be removed therefrom.

(c) The city clerk shall post a notice on the city bulletin board informing the public that copies of public records are available from his office on request.

(Code 1970, § 2-106)

Charter reference(s)--Duties of city clerk generally, section 2-7(b); city clerk to serve as clerk of the council, section 2-8.

Sec. 2-61. Copying and indexing records.

The city clerk may cause any of the public records and papers in his office to be copied, arranged and indexed conveniently for examination and reference, whenever in his opinion the same may be necessary.

(Code 1970, § 2-107)

Sec. 2-62. Compensation ordinances to be transmitted to auditor.

The city clerk shall transmit to the city auditor a copy of every ordinance fixing or changing the compensation of any officer or employee of the city.

(Code 1970, § 2-108)

Sec. 2-63. Assistant--Office established; appointment; oath; removal.

The office of assistant city clerk is hereby established. The assistant city clerk shall be appointed by the city clerk, but such appointment shall be subject to the approval of the city council. The assistant city clerk shall be sworn to the faithful discharge of the duties of the office, and may be removed at any time by the city clerk with the approval of the city council.

(Code 1970, § 2-109)

State law reference(s)--Municipal authority to create office of assistant clerk and provide for his manner of appointment, M.G.L.A. c. 41, § 18.

Sec. 2-64. Same--Duties.

It shall be the duty of the assistant city clerk to assist the city clerk in the performance of the duties of his office and, in the absence of the city clerk, to do and perform all duties pertaining to the office of city clerk.

(Code 1970, § 2-110)

Secs. 2-65--2-69. Reserved.

DIVISION 4. CITY TREASURER-COLLECTOR*

***Editor's note**--Ord. No. 11-1990, adopted April 17, 1990, amended this Code by repealing Division 4, §§ 2-70--2-77, and Division 5, §§ 2-85--2-90, pertaining to the city treasurer and the city collector as derived from the 1970 Code. Ord. No. 11-1990 combined these two offices into one to be known as the city treasurer-collector and provided for a new Division 4 of that title as herein set out.

State law reference(s)--Provisions relating to city treasurers, M.G.L.A. c. 41, § 35 et seq.

Sec. 2-70. Appointment and term.

The mayor shall appoint a city treasurer-collector who shall be confirmed by council. He shall hold office for a term of one (1) year and until his successor has been appointed and qualified.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-71. Bond.

The city treasurer-collector shall give such bond as is required by M.G.L.A. c. 41, § 35, and c. 60, § 13.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-72. Department heads and other officers to remit money.

The head of each department and all officers receiving money for the city shall remit to the city treasurer-collector at least once a week, all moneys that may be in the possession of such department or officers belonging to the city, except in such cases where the time of payment to the city treasurer-collector is prescribed by statute.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-73. Deposits in banks.

The city treasurer-collector shall keep his cash balances of all moneys on deposit at interest, and in such banks as the mayor shall approve.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-74. Records to be kept in fireproof safe.

The city treasurer-collector shall cause all books, papers, vouchers and documents of permanent record under his care, belonging to the city, when not in use, to be deposited and kept in a fireproof safe or vault, provided by the city.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-75. Duty to furnish information to city council and mayor.

The city treasurer-collector shall furnish such information respecting the accounts, finances or payments of or to the city, as the city council or mayor may at any time require, including the semi-annual report to the city council prescribed by section 7-19 of the charter.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-76. Reports from and audit of accounts of city treasurer-collector.

The receipts and payments of the city treasurer-collector shall be reported monthly to the city auditor in such form as the city auditor may desire, and the accounts of such office shall be regularly audited by him.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-77. Delivery of books and other property to successor.

The city treasurer-collector shall deliver to his successor, or to any person appointed by the mayor to receive the same, all papers, books, documents and property belonging to the office.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-78. Deposits in banks.

The city treasurer-collector shall keep his cash balances of all moneys on deposit at interest, and in such banks as the mayor shall approve.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-79. General duties.

The city treasurer-collector, shall do and perform all the duties required of him as the city treasurer-collector of the city as embodied in M.G.L.A. chapters 31, 41, 44, 48, 51, 58, 60, 100 and 132, together with any ordinances of the city relating to the same.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-80. Receiving office for all taxes.

The office of the city treasurer-collector shall be the receiving office for all moneys due and payable to the city from all state, county and city taxes or all other assessments duly assessed and committed to him for collection by the board of

assessors. As the city treasurer-collector, he shall be the only authorized officer to receive and receipt for any such moneys payable to the city.

(Ord. No. 11-1990, 4-17-90)

Sec. 2-81. Collection of debts and claims due city.

(a) The treasurer-collector shall enforce the collection of all debts, dues and claims due to the city and shall be authorized and empowered and it shall be his duty to enforce collection by action at law or otherwise of the same, and for this purpose, all officers, boards and commissions shall monthly transmit and commit to the treasurer-collector for such action all sums then owing or due to their respective departments, boards or commissions.

(b) All officers, boards and commissions shall provide monthly a copy of invoices, statements or contracts to the city treasurer-collector, to enable him to determine accurately the sum or sums due to the city.

(c) All payments due to the City of Gloucester from third parties for private details worked by City of Gloucester police officers shall be due and payable within thirty days of the invoice date. All payments which remain unpaid after such thirty days shall accrue interest at the rate allowed under the provisions of Massachusetts General Laws, chapter 59, section 57. (Ord. 01-20 6/19/2001)

Ord. No. 11-1990, 4-17-90)

Sec. 2-82. Unpaid taxes and local licenses anSec. 2-82d permits.

(a) The city comptroller shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any persons, corporation or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any other local taxes, fees, assessments, betterments, or other municipal charges who have not paid said local taxes, fees, assessments, betterments, or other municipal charges including amounts assessed under the provisions of Section 21D, for over a twelve-month period. This article shall not apply to any party who has filed in good faith a pending application for an abatement of such tax or has a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any building permit or local license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the comptroller; provided, however, that written notice is given to the party and comptroller, as required by applicable provisions of law and the party is given a hearing, to be held not earlier than fourteen (14) days after said notice. The hearing will be held by the licensing or permit granting authority. The comptroller has the right to intervene in the hearing. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The comptroller shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or

suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the comptroller that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. This article shall not apply to the following licenses and permits: open burning (M.G.L.A. c. 48, § 13), bicycle permits (c. 85, § 11A), sales of articles for charitable purposes (c. 101, § 33), children work permits (c. 149, § 69), clubs, associations dispensing food or beverage licenses (c. 140, § 21E), dog licenses (c. 140, § 137), fishing, hunting, trapping license (c. 131, § 12), marriage licenses (c. 207, § 28), Inns and lodging houses (c. 140, § 19), theatrical events and public exhibition permits (c. 140, § 181).

Appeals will be through the superior court in an action for certiorari pursuant to MGL ch. 249, § 4.

In accordance with Chapter 40, Section 57 (d), this article shall also not apply to local licenses and permits as follows:

Chapter 3, Amusements

Chapter 5, Article III only, Electrical Regulations

Chapter 8, Fire Prevention

Chapter 9, Garbage, Refuse and Waste

Chapter 10, Waterways Administration

Chapter 11, Hawkers and Peddlers

Chapter 12, Marshlands

Chapter 15, Parks and Recreation

Chapter 19, Second Hand Goods

Chapter 20, Shellfish, seaworm, and eels

Chapter 21, Streets, Sidewalks and other public places

Chapter 23, Utilities

Chapter 24, Vegetation

Chapter 25, Vehicles for Hire

Chapter 26, Weights and Measures

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit provided; however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The city council may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owners, its officers or stockholders, if any or members of his immediate family, as defined in M.G.L.A. c. 268, § 1 in the business or activity conducted in or on said property.

(Ord. No. 51-1996, § 1, 10-29-96)

Secs. 2-83--2-90. Reserved.

DIVISION 5. RESERVED*

***Note**--See editor's note for Division 4.

State law reference(s)--Provisions relating to city collectors, M.G.L.A. c. 41, § 35 et seq.; collection of taxes, M.G.L.A. c. 60.

Secs. 2-91--2-99. Reserved.

DIVISION 6. CITY AUDITOR*

***State law reference(s)**--Auditors generally, M.G.L.A. c. 41, § 48 et seq.; c. 43, § 18.

Sec. 2-100. Appointment and term.

The city council shall appoint a city auditor to hold office for two (2) years and until his successor is qualified.

(Code 1970, § 2-137)

Sec. 2-101. General duties.

In addition to the duties prescribed by this article, the city auditor shall perform such other service as may be required of him by statute, by section 2-7 of the charter, by this Code or the other ordinances of the city or by any vote of the city council.

(Code 1970, § 2-138)

Sec. 2-102. Method of keeping accounts.

The city auditor shall keep his accounts in the form now in use until otherwise ordered by the city council, and by such divisions and such details as may be necessary to a clear exhibit of the expenses incurred by each of the several departments of the government in their various operations, stating among other things, the appropriation for each department, and for each distinct object of expenditure.

(Code 1970, § 2-139)

Sec. 2-103. Report of status of appropriations.

The city auditor shall, within ten (10) days from the approval of the monthly bills by the mayor, submit to him a printed statement of all existing appropriations, general and special, and the respective amounts expended and unexpended in each of the same.

(Code 1970, § 2-140)

Sec. 2-104. Duty when appropriations are exhausted.

Whenever the appropriations for any department or for any objects have been exhausted, the city auditor shall immediately communicate the fact to the mayor and the city council, and all expenditures therefor shall cease until a further application is duly made.

(Code 1970, § 2-141)

Sec. 2-105. Monthly reports to council.

The city auditor shall make a monthly statement of receipts and expenditures to the city council in such form and detail as it shall prescribe.

(Code 1970, § 2-142)

Sec. 2-106. Annual report to council.

On or before the first day of April in each year, the city auditor shall report, in writing, to the city council the receipts and expenditures for the preceding fiscal year, giving the details thereof under their separate heads and the purposes for which such expenditures were made.

(Code 1970, § 2-143)

Sec. 2-107. Procedure for payment of bills and accounts against city.

(a) The city auditor shall receive all bills and accounts from persons having demands against the city, examine them in detail, and have them filed and entered in books in such manner and form as the city council may direct. All doubtful bills and accounts so received shall be presented by the city auditor to the mayor before being entered in the books. Before money is paid out of the city treasury, a requisition therefor in writing, with detailed accounts attached, specifying the amount to be paid, and the party to whom the payment is due, shall be made by the board or head of the department incurring the expenditure, upon the city auditor. The city auditor shall receive all such requisitions, accounts and claims rendered against the city, and carefully examine the same, and shall see that they are correctly cast and approved. In case of any error or informality, he shall make note of the fact, and return the bill or demand with the objections to the officer, board or person presenting the same. When the regular weekly or monthly bills due from the city for services rendered or supplies furnished shall have been recorded by the city auditor, the draft or order upon the city treasurer for the payment of the aggregate amount of the bills aforesaid shall be signed by the mayor, and countersigned by the city auditor.

(b) The city auditor shall give his certificates for all bills approved as aforesaid to the city treasurer, which certificate shall specify the account or appropriation to which the bill is chargeable, the name of the person authorized to receive the amount due, together with the amount duly approved and payable to the person. Any such certificate shall be signed by the city auditor, and upon presentation shall be paid by the city treasurer.

(Code 1970, § 2-148)

State law reference(s)--Approval of bills by auditor, M.G.L.A. c. 41, § 52.

Sec. 2-108. Countersigning and registering bonds; recordation of bonds and notes.

Whenever any bonds shall be issued by the city, the city auditor shall countersign and register the same, unless otherwise provided by law or ordinance. He shall record all notes and bonds issued by the city treasurer and countersigned by the mayor.

(Code 1970, § 2-149)

Sec. 2-109. Assistant.

(a) The office of assistant city auditor is hereby established. The assistant city auditor shall be appointed by the city auditor subject to the confirmation of the city council, and shall hold office for the remainder of the term for which the city auditor making the appointment was appointed and until his successor is chosen and qualified.

(b) The assistant city auditor shall be sworn to the faithful discharge of the duties thereof.

(c) The assistant city auditor shall perform such duties as the city auditor may from time to time assign. If by reason of illness, absence or other cause, the city auditor is temporarily unable or ceases to perform the duties of his office, the assistant city auditor shall perform the same duties until such disability ceases, and if a vacancy occurs in the office of city auditor, the assistant city auditor shall perform the duties of such office until such vacancy is filled.

(Code 1970, § 2-150)

State law reference(s)--Assistant auditors, M.G.L.A. c. 41, § 49A.

Secs. 2-110--2-114. Reserved.

DIVISION 7. INSPECTOR OF BUILDINGS*

***Cross reference(s)**--Buildings and building regulations, Ch. 5.

State law reference(s)--Inspectors of buildings, M.G.L.A. c. 143, § 3.

Sec. 2-115. Designation.

The mayor shall annually designate some person to act as the inspector of buildings who shall be confirmed by the city council.

(Code 1970, § 4-13)

Sec. 2-116. General duties.

The inspector of buildings shall perform the duties vested by statute in or usually exercised by an inspector of buildings, including the enforcement of the city's zoning ordinance, its building regulations and the state building code.

(Code 1970, § 4-16)

Sec. 2-117. Records and reports.

The inspector of buildings shall keep a record of the business of his office, including all violations of sections 5-15 to 5-39 and all other ordinances relating to buildings. He shall annually submit to the mayor a report of his activities during the preceding year.

(Code 1970, § 4-17)

Secs. 2-118--2-124. Reserved.

DIVISION 8. CITY ENGINEER

Sec. 2-125. Appointment; term; removal.

The mayor shall annually appoint a city engineer within the department of public works, who shall hold his office until his successor is chosen and qualified. The city engineer shall be removable by the mayor as provided in section 3-5 of the charter.

(Code 1970, § 2-212)

Sec. 2-126. General duties.

The city engineer shall work for, and perform such services as may be required of him by the director of public works.

(Code 1970, § 2-213)

Sec. 2-127. Custody of instruments, plans, profiles, etc.

The city engineer shall have charge and custody of all the surveying instruments, plans, profiles and measurements of all the buildings, streets, sidewalks, drains and sewers, culverts and bridges, public park lands, playgrounds, reservoirs, landings and lands, reservoirs, water basins and lands connected with the water, belonging to the city, and keep the same, when not in use, in a fireproof vault provided for him by the city.

(Code 1970, § 2-214)

Sec. 2-128. Records of surveys.

The city engineer shall make and keep a record of all surveys of the streets, alleys, market places, public landings, land and commons, and all other public works of the city, and execute plans and drafts of the same.

(Code 1970, § 2-215)

Sec. 2-129. Ascertainment of street grades, levels, boundaries, etc.

The city engineer shall calculate and ascertain the proper grade and level of all streets which now are, or may hereafter be accepted, laid out and established by the city council, with the boundaries and measurements thereof, the names of the owners of estates, if known, upon and through which such streets may be located, and the estates abutting thereon.

(Code 1970, § 2-216)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

Secs. 2-130--2-134. Reserved.

DIVISION 9. CITY ELECTRICIAN*

***Cross reference(s)**--Electrical regulations, § 5-40 et seq.; city electrician to have right of access to interior wirings, appliances, etc., § 5-45; city electrician designated as inspector of wires, § 23-75.

Sec. 2-135. Position established; qualifications; term; duties; powers.

- (a) There is hereby established the position of city electrician. The city electrician shall be appointed by the mayor.
- (b) The city electrician shall be a competent and experienced electrician.
- (c) The city electrician's tenure of office shall be governed by the requirements of the personnel ordinance.
- (d) The city electrician shall perform such duties as are, or may hereafter be imposed upon him by law or by ordinance of the city council.
- (e) The jurisdiction of the city electrician shall include all public and private electrical systems installed in the city.

(Code 1970, § 7-1)

Sec. 2-136. Powers and duties relative to fire alarm and police signal systems.

- (a) The fire chief shall be the superintendent of the fire alarm and police signal systems of the city and shall have jurisdiction over such systems. He shall have the care and management of the wires, apparatus and machinery, and other property connected therewith, belonging to the city, shall keep the same at all times in good working order, and shall have access to all buildings and places

necessary for these purposes. All additions to such systems shall be erected under his supervision and to his satisfaction.

(b) In performing his duties as superintendent of the fire alarm and police signal systems, and in all respects pertaining to the management and control thereof, the fire chief shall be under the general direction of the mayor and shall consult with the mayor on all matters involving the workings of such systems.

(c) The annual fee of one hundred seventy-five dollars (\$175.00) shall be established for each fire alarm master box connected to the municipal fire alarm system.

(d) The administration be authorized to put out to bid and subsequently enter into a five-year lease with a private provider for the service and maintenance of the municipal fire alarm system.

(e) The fire chief be designated as the authority to recommend subsequent fees for the maintenance and service of said fire box systems, through the mayor's office and with approval by the city council.

(Code 1970, § 7-2; Ord. no. 2-1993, § I, 1-19-93)

Cross reference(s)--Fire prevention and protection, Ch. 8; alarm systems, § 14-26 et seq.; police, Ch. 17.

State law reference(s)--Fire alarms and sprinkler systems, M.G.L.A. c. 148, § 26 et seq.; police signal system, M.G.L.A. c. 268, § 32.

Sec. 2-137. Records.

The city electrician shall keep records of all inspections made and permits issued by him, and these records shall be open to inspection at all reasonable times by any interested party.

(Code 1970, § 7-8)

Sec. 2-138. Annual report.

The fire chief shall make an annual report to the mayor concerning his activities of the preceding year, the condition of all wires under his supervision within the city and all necessary information regarding his office.

(Code 1970, § 7-9; Ord. No. 2-1993, § I, 1-19-93)

Secs. 2-139--2-144. Reserved.

DIVISION 10. CITY PHYSICIAN*

***State law reference(s)**--Appointment of physician by board of health, M.G.L.A. c. 111, § 27.

Sec. 2-145. Position established; duties.

There is hereby established in the city the position of city physician, who shall serve without compensation and who shall be responsible for administering pre-employment physical examinations.

(Ord. of 5-8-79, § 1(171))

Secs. 2-146--2-154. Reserved.

DIVISION 11. WORKMEN'S COMPENSATION AGENT

Sec. 2-155. Position established.

The position of workmen's compensation agent is hereby established to act as such in all matters which concern the city.

(Code 1970, § 2-226)

State law reference(s)--Duty to designate local workmen's compensation agent, M.G.L.A. c. 152, § 75.

Sec. 2-156. Appointment and term.

The workmen's compensation agent shall be appointed by the mayor and approved by the city council, and he shall continue to act as such agent until his appointment is revoked and a new agent appointed. The mayor may appoint, to the position of workmen's compensation agent, any city official or employee already filling another position of employment in the city government, provided that the additional duties do not conflict with civil service rules and regulations and are agreed to be performed by the person so appointed.

(Code 1970, § 2-227)

Sec. 2-157. Duties prescribed.

The workmen's compensation agent shall be responsible for the proper carrying out of the duties to be performed by such an agent under M.G.L.A. c. 152, particularly section 75 thereof, as well as the duties which devolve upon such an agent by any other provision of law, and such duties as may be given him to perform by the city council.

(Code 1970, § 2-228)

Sec. 2-158. Supervision.

The workmen's compensation agent's duties shall be performed under the direction and supervision of the department of the commonwealth administering the workmen's compensation laws.

(Code 1970, § 2-229)

Secs. 2-159--2-259. Reserved.

ARTICLE IV. DEPARTMENTS*

***Charter reference(s)**--Procedures governing conduct of multi-member bodies, section 10-6.

Cross reference(s)--Fire department, § 8-15 et seq.; police department, § 17-15 et seq.; inspection of wires department, § 23-75.

DIVISION 1. GENERALLY

Secs. 2-260--2-269. Reserved.

DIVISION 2. LAW DEPARTMENT

Sec. 2-270. Organization.

There is hereby established a law department to provide the city with legal services on a full-time basis. Office facilities and secretarial staff shall be provided by the city for the use of general counsel and assistants. The facilities shall include a central law library which will be available for the official use of all city departments.

(Ord. of 6-17-80, § I(2-121))

Sec. 2-271. General counsel; appointment, duties; term.

(a) The mayor shall appoint general counsel who shall hold office for a term of one (1) year and until a successor has been appointed and qualified. The general counsel shall be prohibited from receiving any compensation from the practice of law other than from the city. The appointment of the general counsel shall be subject to confirmation by the city council as provided in section 2-10 of the charter.

(b) The general counsel shall be a member of the federal and commonwealth bars and shall not hold any other office created by the city council during the period for which the appointment under this section is effective.

(c) Except as otherwise provided, the duties of the general counsel shall include:

(1) Commencing and prosecuting all actions by the city before any tribunal in the commonwealth, whether in law or equity;

(2) Appearing in, defending and advocating the rights and interests of the city wherein any estate, right, privilege, ordinance or act of the city government, or any breach of any ordinance, may be brought into question;

(3) Appearing before the legislature of the commonwealth, or any committee thereof, whether of either or both branches of the same, and there, in behalf of the city, to represent, answer for, defend and advocate the welfare and interests of the city wherever the same may be directly or incidentally affected, whether to prosecute or defend the same;

- (4) Appearing as counsel in the prosecution of criminal cases before the district court of Eastern Essex when requested by the city council or the chief of police to do so;
- (5) Drafting and reviewing approval for all bonds, deeds, obligations, contracts, leases, agreements, conveyances and other legal instruments of whatever nature;
- (6) Furnishing the city council and any other officer of the city who may require it in the official discharge of his duties, when requested, with a legal opinion on any subject relating to or affecting the duties of their respective offices;

such additional powers and professional duties as the city council may from time to time prescribe.

- (d) The general counsel shall be responsible for the management of all municipal legal affairs, as described in subsection (c), and in furtherance of those duties may refer particular matters to special counsel as provided in section 2-272. In all cases in which a matter has been referred to special counsel the general counsel shall remain responsible for the supervision and management of the matter.

(Ord. of 6-17-80, § I(2-122))

Sec. 2-272. Special counsel; appointment, duties, payment; term.

- (a) The city may retain under written contract, as a part of its law department, individual attorneys or law firms as special counsel, to provide specialized or short-term legal services as may be required by the best interests of the city. Any individual or firm so retained shall be duly qualified to provide the requisite legal services, including representation in all commonwealth and federal courts and administrative agencies and before any legislative or executive body.
- (b) The special counsel shall be paid on an hourly basis for services rendered and may be reimbursed for necessary disbursements related to their services on behalf of the city when approved in advance by the general counsel.

(Ord. of 6-17-80, § I(2-123))

Sec. 2-273. Assistant to the general counsel; appointment; duties; term.

The general counsel may appoint, subject to the approval of the mayor, an assistant to aid in the execution of the duties and responsibilities of the law department. Membership in commonwealth and federal bars shall be considered a desirable but not a mandatory qualification for the position. The appointment of the assistant shall be for a term of one (1) year and until a successor is appointed and approved by the mayor.

(Ord. of 6-17-80, § I(2-124))

Sec. 2-274. Travel expenses.

In all cases when the general court or assistant to the general counsel may be required to attend municipal affairs outside of the city, travel and related expenses shall be allowed.

(Ord. of 6-17-80, § I(2-125))

Secs. 2-275--2-279. Reserved.

DIVISION 3. DEPARTMENT OF PUBLIC WORKS*

***Cross reference(s)**--Provision for moving of building by director of public works, § 5-25.

Sec. 2-280. Established.

There is hereby established in the city a department of public works.

(Code 1970, § 2-201)

Sec. 2-281. Director of public works--Position confirmed; appointment; term.

The department of public works shall be managed by the director of public works under the supervision of the mayor, which position is hereby ratified as established by section 7-16 of the charter. The director shall be appointed by the mayor biennially, subject to the approval of the city council.

(Code 1970, § 2-202; Ord. No. 7-1991, § I, 3-12-91; Ord. No. 23-1992, § I, 8-4-92)

Charter reference(s)--Powers and duties of the director of public works, section 7-16.

Sec. 2-282. Divisions or other units.

The director of public works may subdivide the department of public works into divisions or other units which, in his opinion, will produce the greatest efficiency in the department, and he may allot to each of such divisions or units the activities or parts of activities set forth in this division as may be added to this division from time to time.

(Code 1970, § 2-203)

Sec. 2-283. General powers and duties.

The department of public works, under the direction of its director of public works and the supervision of the mayor, shall:

- (1) Have the direction and control of the construction, alteration, repair, maintenance and management of ways, streets, sidewalks, bridges, fences and retaining walls;
- (2) Cause to be made and have the technical custody of all plans, surveys, measurements and levels pertaining to public ways, drains and all other public lands belonging to the city;

- (3) Direct and control all the engineering activities of or pertaining to the city;
- (4) Have charge and control of all the public lands belonging to the city, including beaches and cemeteries, with the exception of school buildings and grounds;
- (5) Have the management and control of the construction, alteration, repair, maintenance and care of all the public buildings of the city, other than school buildings and grounds;
- (6) Have the management and control of the cleaning of and snow removal from streets and ways, as well as street lighting;
- (7) Manage and control the collection of refuse and arrange for its disposal;
- (8) Have charge of the procurement, management, repair, maintenance and allocation of all motor vehicles, machinery and miscellaneous property and equipment within such department, excluding that which may be under the jurisdiction of the school department;
- (9) Have the management and control of the activities of the city forestry, tree and moth control departments, and the maintenance of the parking meter systems and airfields, if any should be established by the city;
- (10) Have the management and control of the municipal sanitary landfill;
- (11) Have the charge and control of all the lands, buildings and other property and also the direction and control of all the activities heretofore directed by the board of park commissioners, the playground and recreation commission, the board of sewerage survey and the board of water commissioners;
- (12) Have, possess and exercise all of the powers and duties heretofore exercised by the superintendent of insect and pest control and by the city forester, respectively;
- (13) Perform such other duties as the city council may by ordinance from time to time direct.

(Code 1970, §§ 2-204, 2-205(a), 2-206)

Cross reference(s)--Buildings and building regulations, Ch. 5; cemeteries, Ch. 6; trash, recycling, and litter, Ch. 9; parks and recreation, Ch. 15; streets, sidewalks and other public places, Ch. 21; vegetation, Ch. 24.

Sec. 2-284. City motor pool.

- (a) A city motor pool is hereby established which shall consist of all city-owned or leased regulatory and other vehicles assigned to the department of public works and its divisions. The director of public works shall be responsible for the supervision, management, control and regulation of the city motor pool.

(b) City motor pool vehicles shall be used only for official municipal purposes. Official municipal purposes do not include, among other things, transportation between domiciles and places of employment or other personal use, except as authorized on an emergency basis by the director of public works. No municipal employee shall take a city motor pool vehicle to his domicile on a regular or routine basis, at noontime, overnight or on any other non-emergency occasion without the written authorization of the director of public works.

(c) City motor pool vehicles, when not being used in conjunction with official purposes, shall be parked at secure locations as designated by the director of public works.

(Ord. of 6-7-83, § I)

Secs. 2-285--2-289. Reserved.

DIVISION 4. DEPARTMENT OF VETERANS' SERVICES*

***State law reference(s)**--Veterans' benefits generally, M.G.L.A. c. 115, § 1 et seq.

Sec. 2-290. Established; purpose.

The department of veterans' services is hereby established to carry out what is required to be done by the city for servicemen under M.G.L.A. c. 115, and for the purpose of furnishing such information, advice and assistance to veterans as may be necessary to enable them to procure the benefits to which they are, or may be, entitled, and for the purpose of keeping records of veterans' services and photostating and recording their discharges.

(Code 1970, § 26-12)

State law reference(s)--Requirement to establish local department of veterans' services, M.G.L.A. c. 115, § 10.

Sec. 2-291. Appointment, qualifications and general powers and duties of director.

The department of veterans' services shall be administered by a director who shall have all the powers and duties of the veterans' benefits agent and of the director of veterans' services, and who shall be a veteran and shall be appointed by the mayor and approved by the city council.

(Code 1970, § 26-13)

Sec. 2-292. Clerks.

The director of the department of veterans' services shall be assisted by such clerks, either regular or temporary, as the city council shall, from time to time determine.

(Code 1970, § 26-14)

Sec. 2-293. Duties.

The director and employees of the department of veterans' services shall advise and assist persons who have enlisted or have been inducted or entered into the armed forces of the United States and who shall be veterans of the armed forces, and the dependents of all such persons, concerning their rights and privileges under federal, state and local laws. They shall also advise and assist such veterans in obtaining employment, training and retraining for any employment, in obtaining opportunities for further education, and in obtaining medical treatment and assistance. The department shall further keep informed as to the programs or facilities of any organization, whether public or private, of service to or of interest to veterans and their dependents and in general shall carry on its activities for the purpose of extending aid, other than soldiers' relief and state and military aid disbursed under M.G.L.A. c. 115, to members of the armed forces and their families, or veterans and their families.

(Code 1970, § 26-15)

Secs. 2-294--2-399. Reserved.

ARTICLE V. BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES*

***Charter reference(s)**--Council committee on budget and finance, section 2-9; council committee on ordinances and administration, section 2-9; council committee on planning and development, section 2-9; school committee, section 4-1 et seq.; designer selection committee, section 5-4; city building committee, section 5-5; procedures governing the conduct of multi-member bodies, section 10-6.

Cross reference(s)--Board of registrars of voters, § 7-1; recreation committee, § 15-15 et seq.; planning board, § 16-15 et seq.; conservation commission, § 16-30 et seq.; provisions relating to historic district commission, § 16-62 et seq.; school committee, § 18-20 et seq.; shellfish advisory commission, § 20-2; traffic commission, § 22-30 et seq.

DIVISION 1. GENERALLY

Secs. 2-400--2-409. Reserved.

DIVISION 2. BOARD OF ASSESSORS*

***State law reference(s)**--City assessors generally, M.G.L.A. c. 41, § 24 et seq.; assessment of local taxes, M.G.L.A. c. 59.

Sec. 2-410. Composition; appointment and terms of members; organization.

The board of assessors shall consist of three (3) members to be appointed by the mayor and approved by the city council for a three (3) year term. The board shall meet and organize in the manner provided in the statutes of the commonwealth.

One of the three (3) members shall be appointed by the mayor and approved by the city council to serve in the position of principal assessor. The principal assessor shall serve as department head for the assessors' department and perform all required administrative duties, including staff supervision.

(Code 1970, § 2-181; Ord. No. 28-1995, § I, 5-22-95)

State law reference(s)--Organization of board of assessors, M.G.L.A. c. 41, § 24.

Sec. 2-411. Quorum; majority may act.

The majority of the board of assessors shall constitute a quorum for organizing and for doing board's business. The powers and duties possessed by the board of assessors may be legally performed by a majority of the members thereof.

(Code 1970, § 2-182)

Sec. 2-412. General duties.

It shall be the duty of the board of assessors, from and after the first day of January in each year, to visit the different states and parcels of real estate in the several wards of the city, to keep a list of the polls, to estimate the value of personal property subject to be assessed to the residents of the city, to appraise the value of the real estate subject to assessment within the city, and to obtain the information necessary for making the statistics required by law.

(Code 1970, § 2-183)

Sec. 2-413. Office hours.

Each member of the board of assessors shall be in attendance at city hall during the hours they are scheduled to work except at such time as they may be elsewhere necessarily employed in the discharge of their assessing duties. Nothing in this provision shall prohibit an assessor from being employed by the city on a part-time basis.

(Code 1970, § 2-184; Ord. of 10-21-86, § I)

Sec. 2-414. Call of meetings.

The chairman of the board of assessors shall have authority to call meetings of the full board for the transaction of business, whenever in his judgment it may be necessary so to do.

(Code 1970, § 2-185)

Sec. 2-415. Compliance with law in assessment and apportionment of taxes.

All taxes shall be assessed and apportioned by the board of assessors in the manner prescribed by the laws of the commonwealth.

(Code 1970, § 2-186)

State law reference(s)--Assessment of local taxes, M.G.L.A. c. 59.

Sec. 2-416. Duties of chairman.

The chairman shall preside, when present, at all meetings held by the board of assessors and shall perform such other duties required of a chairman of a board of assessors by law or by the commissioner of the department of revenue of the commonwealth.

(Code 1970, § 2-187)

State law reference(s)--Selection of board chairman, M.G.L.A. c. 41, § 24.

Sec. 2-417. Duties of secretary.

The secretary of the board of assessors shall keep a full and complete record of the doings of the board, and shall have in his custody the official records to be kept by assessors and he likewise shall perform the duties required of a secretary of a board of assessors by law or as may be required by the commissioner of the department of revenue of the commonwealth.

(Code 1970, § 2-188)

State law reference(s)--Selection of secretary, M.G.L.A. c. 41, § 24.

Sec. 2-418. Books and records.

The board of assessors shall cause to be carefully protected and preserved all books, records and papers belonging to the assessor's department and a detailed and accurate record in permanent form shall be kept relating to all the official acts of the board of assessors.

(Code 1970, § 2-189)

Secs. 2-419--2-424. Reserved.

DIVISION 3. BOARD OF HEALTH*

***State law reference(s)**--City and town boards of health generally, M.G.L.A. c. 111, §§ 26--32.

Sec. 2-425. Composition; appointment, term and removal of members.

The board of health shall consist of five (5) members all of whom shall be appointed by the mayor, subject to the approval of the city council, staggered terms of three (3) years each.

(Code 1970, § 2-297; Ord. No. 4-1991, § I, 2-26-91)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 26.

Sec. 2-426. Members not compensated.

Members of the board of health shall receive no compensation for their services.

(Code 1970, § 2-298)

State law reference(s)--Members of board of health to receive such compensation as council determines, M.G.L.A. c. 111, § 26.

Sec. 2-427. Selection of chairman.

The board of health shall organize annually by the selection of one (1) of its members as chairman.

(Code 1970, § 2-299)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Sec. 2-428. Rules and regulations.

The board of health may make rules and regulations for its own government and for the government of its officers, agents, and assistants.

(Code 1970, § 2-303)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Sec. 2-429. Appointment of physician to take and examine cultures and school physician.

The board of health may appoint a physician to the board, who shall take and examine all cultures, and shall appoint a school physician, neither of whom shall be a member of the board. Such physicians shall hold their offices according to the provisions of the civil service laws and regulations governing such offices.

(Code 1970, § 2-300)

Cross reference(s)--Duty of school physician relative to vaccination of pupils, § 18-4.

State law reference(s)--Appointment of physician to board, M.G.L.A. c. 111, § 27; appointment of school physician, M.G.L.A. c. 71, § 53.

Sec. 2-430. Employment of clerk and other assistants.

The board of health may appoint a clerk according to the provisions of the civil service laws and regulations governing such an office, which clerk shall not be a member of the board. The board may also employ the necessary officers, agents and assistants to execute the health laws and the board's regulations.

(Code 1970, § 2-301)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Sec. 2-431. Compensation of clerk and assistants.

The board of health may fix the salaries or compensation of its clerk and other agents and assistants.

(Code 1970, § 2-302)

State law reference(s)--Similar provisions, M.G.L.A. c. 111, § 27.

Secs. 2-432--2-439. Reserved.

DIVISION 4. COUNCIL FOR THE AGING

Sec. 2-440. Established; composition; appointment and terms of members.

There is hereby established a council for the aging consisting of the director of public works, the chairman of the board of health, or their respective representatives, and not less than three (3) nor more than seven (7) additional members appointed by the mayor from the voters and residents of the city. Appointees shall serve staggered terms of three (3) years, commencing at the date of the appointment.

(Code 1970, § 2-343; Ord. of 2-22-77, § 1; Ord. of 5-27-86, § I)

State law reference(s)--Municipal authority to establish council for the aging, M.G.L.A. c. 40, § 8B.

Sec. 2-441. Members not compensated.

The members of the council for the aging shall serve without compensation.

(Code 1970, § 2-344)

Sec. 2-442. Designation of chairman.

The chairman of the council for the aging shall be elected for a two-year term by vote of the membership.

(Code 1970, § 2-345; Ord. No. 25-1996, § J, 4-18-95)

Sec. 2-443. Supervision.

The council for the aging shall be under the administrative supervision of the mayor.

(Code 1970, § 2-346)

Sec. 2-444. Duties.

It shall be the duty of the council for the aging to carry out programs designed to meet problems of the aging in coordination with programs of the council for the aging established under M.G.L.A. c. 6, § 73.

(Code 1970, § 2-347)

Secs. 2-445--2-449. Reserved.

DIVISION 5. MARINERS MEDAL COMMITTEE

Sec. 2-450. Created.

There is hereby created and established a committee to be known as the mariners medal committee.

(Code 1970, § 2-385)

Sec. 2-451. Composition; appointment and terms of members.

The mariners medal committee shall consist of five (5) members, one to be the mayor and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Code 1970, § 2-386)

Sec. 2-452. Qualifications of members; city officers not eligible.

(a) At least three (3) of the appointed members of the mariners medal committee shall have had experience on the high seas as master of some commercial vessel.

(b) None of the four (4) appointed members of the mariners medal committee shall hold any elective or appointive office within the government of the city when appointed, and should they later hold such an office, their membership on the committee shall be declared vacated.

(Code 1970, § 2-387)

Sec. 2-453. Chairman.

The chairman of the mariners medal committee shall be elected by majority vote of the membership.

(Code 1970, § 2-388; Ord. of 3-4-86, § I)

Sec. 2-454. Duties.

It shall be the duty of the mariner's medal committee to establish and seek to maintain high standards for the awarding of a mariner's medal to any person or persons performing an act of heroism and extraordinary seamanship on the high seas. Such an act must have taken place within a six (6) month period from date of notification. The committee, after investigation and consideration of all the facts, shall recommend to the city council the awarding of the mariner's medal to such person or persons as the committee deems deserving to receive the award.

(Code 1970, § 2-389; Ord. of 6-15-82, § I)

DIVISION 6. YOUTH SERVICES COMMISSION

Sec. 2-455. Established; composition; appointment and terms of members.

There is hereby established a youth services commission consisting of seven (7) members, who shall be appointed by the mayor from the residents of the city and confirmed by the city council. Appointees shall serve staggered terms of three (3) years, beginning at the date of appointment.

(Ord. No. 16-1993, § I, 12-14-93)

State law reference(s)--Municipal authority to establish youth services commission, M.G.L.A. c. 40, § 8E.

Sec. 2-456. Reserved.

Sec. 2-457. Election of chairperson.

The chairperson of the youth services commission shall be elected from the membership annually.

(Ord. No. 16-1993, § I, 12-14-93)

Sec. 2-458. Supervision.

The youth services commission shall be under the administrative supervision of the mayor.

(Ord. No. 16-1993, § I, 12-14-93)

Sec. 2-459. Duties.

It shall be the duty of the youth services commission to advocate for youth related activities and programs. The youth services commission will work in conjunction with the city as well as new and existing groups to provide and seek funding to meet the opportunities, challenges and problems of the youth of the city.

(Ord. No. 16-1993, § I, 12-14-93)

Secs. 2-460--2-470. Reserved.

DIVISION 6A. TOURISM COMMISSION*

***Editor's note**--Inasmuch as Ord. No. 21-1991, adopted June 18, 1991, did not specify manner of codification, inclusion herein as Division 6A, §§ 2-471--2-476, was at the editor's discretion.

Sec. 2-471. Purpose.

In recognition of the continuing need for tourism in the City of Gloucester as a means to encourage economic revitalization and the promotion of history, culture and recreation, a tourism commission is hereby recreated and reestablished.

It shall be the purpose of the tourism commission to encourage and promote tourism throughout the year and throughout the city. The commission shall undertake but not be limited to the following activities:

- (1) Recommend an overall coordinated tourism program that is related to the city's community and economic development activities, historical resources, recreational opportunities and natural and scenic attractions.
- (2) Recommend the organization, creation and maintenance of tourist attractions.
- (3) Recommend and implement an advertising program for the city.
- (4) Coordinate public and private efforts.

(Ord. No. 21-1991, 6-18-91)

Sec. 2-472. Tenure; composition.

The tourism commission shall consist of seven (7) members, all of whom shall be appointed by the mayor of the city for the terms listed below, and shall be confirmed by the Gloucester City Council.

- (1) One (1) member for one (1) year;
- (2) Three (3) members for two (2) years;
- (3) Three (3) members for three (3) years.

(Ord. No. 21-1991, 6-18-91; Ord. No. 18-1996, § J, 6-25-96)

Sec. 2-473. Requirements.

- (a) *Residency requirements.* All members shall be residents of the City of Gloucester.
- (b) *Membership requirement.* One (1) member of the commission shall be a member of the Cape Ann Chamber of Commerce.

(Ord. No. 21-1991, 6-18-91)

Sec. 2-474. Vacancies.

In case of resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, the appointment of the unexpired term immediately shall be made by the mayor and forwarded to the city council for their approval.

(Ord. No. 21-1991, 6-18-91)

Sec. 2-475. Assistance of city officials, boards and employees.

The commission shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the commission. Further, the

commission may request the services and assistance of any of the officials, boards; and through the mayor, employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

(Ord. No. 21-1991, 6-18-91)

Sec. 2-476. Semi-annual reports.

The tourism commission shall submit semi-annually a report to the mayor and the city council of its activities.

(Ord. No. 21-1991, 6-18-91)

Secs. 2-477--2-490. Reserved.

DIVISION 7. DOWNTOWN DEVELOPMENT COMMISSION*

***Editor's note**--Inasmuch as Ord. No. 28-1991, adopted July 7, 1991, did not specify manner of codification, inclusion herein as Division 7, §§ 2-491--2-495, was at the discretion of the editor.

Sec. 2-491. Purpose.

In recognition of the continuing need for preservation, revitalization and improvement of Gloucester's central business district and its environs, a downtown development commission is hereby recreated and reestablished.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-492. Created; membership; terms.

(a) There is hereby recreated and reestablished in the City of Gloucester a commission to be known as the downtown development commission consisting of seven (7) members, all of whom shall be appointed by the mayor of the city and shall be confirmed by the Gloucester City Council. Upon the establishment of this commission the mayor shall appoint three (3) members for three (3) years; two (2) members for two (2) years; and two (2) members for one (1) year; and as each term expires the mayor in like manner shall appoint members to serve for three (3) years.

(b) In the case of resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, the appointment for the unexpired term shall immediately be made by the mayor.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-493. Mission.

It shall be the mission of the downtown development commission to encourage economic revitalization within a context of historic preservation, community involvement and activities, a strong identity and tourism. The commission shall undertake, but not be limited to, the following activities:

- (1) Examine and evaluate conditions on an on-going basis.
- (2) Propose and promote physical improvements.
- (3) Coordinate public and private efforts.
- (4) Encourage, in cooperation with the Cape Ann Chamber of Commerce, a creative marketing plan, coordinated advertising, promotions and special events.
- (5) Promote the establishment of new businesses.
- (6) Encourage the establishment of special committees, composed of municipal officials, bankers, merchants, industrialists, preservationists, chamber of commerce officials, downtown residents, design professionals, developers, real estate brokers, and others concerned with downtown.
- (7) Promote and encourage the proper mix of goods, services, housing, recreation and entertainment.
- (8) Coordinate, through the community development department, the activities related to downtown of the historical commission, the historic district commission, the waterways commission, the planning board, the tourism commission, the economic development and industrial corporation, the redevelopment authority, and the housing authority.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-494. Assistance of city officials, boards and employees.

The commission shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the commission. Further, the commission may request the services and assistance of any of the officials, boards and, through the mayor, employees of the city at all reasonable times when the commission determines that it requires the assistance and advise of such officials, boards and employees in the performance of its duties.

(Ord. No. 28-1991, 7-7-91)

Sec. 2-495. Annual report.

The downtown development commission shall submit an annual report of its activities to the city council.

(Ord. No. 28-1991, 7-7-91)

DIVISION 8. HUMAN RIGHTS COMMISSION

Sec. 2-496. Policy.

It is hereby declared to be the public policy of the city, including its employees, agents and officials, to protect and promote the constitutional, civil and human rights of all people within the city. Further, the city asserts that:(a) All people have certain inalienable rights, including the right to life, liberty, the pursuit of happiness and equal justice under the laws of the United States, the Commonwealth of Massachusetts and the City of Gloucester;

(b) No person in our city shall have these rights constrained, reduced, ignored or violated; all people in our city shall be protected in the exercise of these human and civil rights; and

(c) No person in our city shall be unlawfully discriminated against in matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of: age, ancestry, citizenship, color, disability, economic status, ethnicity, family or marital status, gender, military status, national origin, race, religion, sexual orientation or source of income.

(Ord. No. 22-1994, § I, 11-1-94)

Sec. 2-497. Establishment of the commission; terms; compensation.

(a) There shall be in the city a commission known as the Gloucester Human Rights Commission hereinafter called the "commission," which shall consist of seven (7) members appointed by the mayor and approved by the city council, to serve without compensation. The commission may have in addition one (1) ex-officio member selected by the majority vote of the commissioners.

(b) The commissioners shall be appointed from a list developed by the mayor through an application process which shall include public notice as provided in Gloucester Home Rule Charter, Section 7-6. Said list shall be updated as vacancies on the commission occur. All such appointments by the mayor shall be confirmed by the city council pursuant to Gloucester Home Rule Charter, Section 2-10(a).

(c) The commissioners shall serve a term of three years, provided, however, that of the members first appointed to the commission, two (2) shall be appointed to a term of one (1) year, two (2) shall be appointed to a term of two (2) years, and three (3) shall be appointed to a term of three (3) years. Thereafter, the mayor shall appoint each successor to a term of three (3) years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which the member has been appointed.

(d) The loss of office by a commissioner due to excessive absence shall be governed by Gloucester Home Rule Charter, Section 7-14.

(Ord. No. 22-1994, § I, 11-1-94)

Sec. 2-498. Election of chairperson; rules of procedure; quorum.

(a) The members of the commission shall elect annually a chairperson from among its members who shall not hold that office for more than three (3) consecutive terms.

(b) Subject to the approval of the mayor, the commission shall adopt rules of procedure for its administration which are consistent with the laws of the commonwealth and ordinances of the city.

(c) Four (4) members shall constitute a quorum for the purpose of conducting business.

(Ord. No. 22-1994, § I, 11-1-94)

Sec. 2-499. Purposes of the commission.

The purposes of the commission shall be to:

(a) Improve the life of city by enlisting individuals and community-based groups in educational programs and campaigns to increase mutual self-respect, harmonious intergroup relations and the peaceful enjoyment of life in our diverse community;

(b) Assist persons in the city who believe that their human or civil rights, as defined by existing local, state and federal law, have been violated in Gloucester, by providing voluntary mediation for all parties concerned, and informing such people of the local, state and federal agencies available to address their grievances; and

(c) Work with all city departments, including the school department, commissions and boards, to increase compliance with appropriate local, state and federal laws and to raise the level of awareness and sensitivity to human rights issues in municipal business with the public.

(Ord. No. 22-1994, § I, 11-1-94)

Sec. 2-500. Powers and duties.

The powers and duties of the commission shall include the following:

(a) To support and assist all city departments, including the school department, commissions and boards, in their efforts to celebrate the diversity of the city, promote tolerance, and comply with appropriate local, state and federal laws;

(b) To publish reports and other documents;

(c) To provide a public forum for hearing complaints and answers thereto in matters of alleged discrimination, and to resolve such complaints by mediation. No party to any alleged discrimination shall be compelled to appear before the commission, nor such party be compelled to submit to mediation;

(d) To refer complaints to the appropriate local, state or federal agency to address their grievances;

(e) To publish an annual report of the state of human rights in the city drawn from its own resources as well as records of other city departments, including the school department; and

(f) To render to the mayor, the city council and the school committee a full written report of its activities and its recommendations, not less than once a year.

(Ord. No. 22-1994, § I, 11-1-94)

Sec. 2-501. Commission records.

All commission records shall be public except those that are necessary to ensure privacy rights under other local, state or federal laws.

(Ord. No. 22-1994, § I, 11-1-94)

DIVISION 9. CLEAN CITY COMMISSION

Sec. 2-502. Policy.

It is hereby declared to be the public policy of the city to create and maintain a clean environment and to encourage all persons living and working within the city to keep Gloucester beautiful.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-503. Establishment of the commission; terms; compensation.

(a) There shall be in the city a commission known as the Gloucester Clean City Commission, hereinafter called the "commission," which shall consist of five (5) members appointed by the mayor and approved by the city council, to serve without compensation. Ord. 01-39 Deleted 10/9/2001)

(a) There shall be in the city a commission known as the Gloucester Clean City Commission, hereinafter called the "commission", which shall consist of **seven (7) members and two (2) alternates** appointed by the mayor and approved by the city council, to serve without compensation. (Ord. 01-39 10/9/2001)

(b) The commissioners shall be appointed from a list developed by the mayor through an application process, which shall include public notice as provided in City Charter section 7-6. Said list shall be updated as vacancies on the commission occur. All such appointments by the mayor shall be confirmed by the city council.

(c) The commissioners shall serve a term of three (3) years, provided, however, that of the members first appointed to the commission, one (1) shall be appointed to a term of one (1) year, two (2) shall be appointed to a term of two (2) years, and two (2) shall be appointed to a term of three (3) years. Thereafter, the mayor shall appoint each successor to a term of three (3) years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which the member has been appointed.

- (d) The loss of office by a commissioner due to excessive absence shall be governed by City Charter section 7-14.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-504. Qualifications of commissioners.

- (a) Commissioners shall be residents of the city at the time of their appointment and throughout their tenure.
- (b) Commissioners shall be representative of the citizens of Gloucester and may include residents of each of the five wards in the city as well as members of the business and public school communities.
- (c) Commissioners shall swear to uphold the laws of the United States, the Commonwealth of Massachusetts and the City of Gloucester.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-505. Election of chairperson; rules of procedure; quorum.

- (a) The members of the commission shall elect annually a chairperson from among its members, who shall not hold that office for more than three (3) consecutive terms.
- (b) Subject to the approval of the mayor, the commission shall adopt rules of procedure for its administration, which are consistent with the laws of the commonwealth and ordinances of the city.
- (c) Three (3) members shall constitute a quorum for the purpose of conducting business.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-506. Purposes of the commission.

The purposes of the commission shall be to:

- (1) Organize and direct volunteer efforts to keep Gloucester beautiful;
- (2) Keep the mayor and the appropriate city departments informed of the maintenance and beautification needs of public property;
- (3) Work with all city departments, including the department of public works, the department of parks and recreation, the school department, the conservation commission, and the waterways board, to keep Gloucester beautiful.

(Ord. No. 20-1996, § I, 7-9-96)

Sec. 2-507. Powers and duties.

The powers and duties of the commission shall include the following:

- (1) To support and assist all city departments in their efforts to maintain a safe and clean environment;

(2) To submit reports to the mayor and the appropriate city departments concerning the matters set forth in section 2-506 herein;

(3) To submit plans for resolving problems concerning the matters set forth in section 2-506 herein to the mayor and the appropriate city departments; and

(4) To render to the mayor, the city council and the appropriate city departments a full written report of its activities and its recommendations, not less than once a year.

(Ord. No. 20-1996, § I, 7-9-96)

DIVISION 10. COMMITTEE FOR THE ARTS

Sec. 2-508. Created.

This is hereby created and established a committee to be known as the committee for the arts.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-509. Composition; appointment and terms of members.

The committee for the arts shall consist of a minimum of five (5) members and a maximum of seven (7) members, one to be the mayor or his designee from time to time acting in his stead and the other four (4) to be residents of the city appointed by the mayor to serve staggered terms of four (4) years. The mayor in office shall continue his membership on the committee for the term for which he is elected.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-510. Qualifications of members; city officers not eligible except as mayoral designee from time to time.

(a) At least three (3) of the appointed members of the committee for the arts shall have had experience in the arts by reason of vocation, avocation, or by membership in a private or public entity devoted to the arts.

(b) None of the appointed members of the committee for the arts shall hold any elected office.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-511. Chairman.

The chairman of the committee for the arts shall be elected by majority vote of the membership.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-512. Assistance of city officials, board and employees.

The committee shall receive regular support and assistance from the community development department. Such department may undertake planning, implementation and review responsibilities on behalf of the committee. Further, the committee may request the services and assistance of any of the officials, boards, and through the mayor, employees of the city at all reasonable times when the committee determines that it requires the assistance and advice of such officials and employees in the performance of its duties.

(Ord. No. 112-2000, § I, 11-28-00)

Sec. 2-513. Duties.

It shall be the duty of the committee for the arts to promote the arts, visual, written, performed and spoken, to foster within the community, a knowledge and appreciation of artistic endeavors, commercial or otherwise, to seek out private or public assistance by way of donations or grants and to do all appropriate acts that encourage the continuation of artistic endeavors within the city; to establish premises and offices and to spread the fame of local artists and educate the public.

(Ord. No. 112-2000, § I, 11-28-00)

Secs. 2-514--2-559. Reserved.

ARTICLE VI. FINANCE*

***Charter reference(s)**--Provisions relating to council committee on budget and finance, section 2-9; provisions relating to municipal financial procedures, section 6-1 et seq.

Cross reference(s)--Ordinances promising or guaranteeing payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city saved from repeal, § 1-7(2); appropriation ordinances saved from repeal, § 1-7(14); ordinances levying or imposing taxes saved from repeal, § 1-7(15).

State law reference(s)--Municipal finance generally, M.G.L.A. c. 44, § 1 et seq.

DIVISION 1. GENERALLY

Sec. 2-560. Fiscal year.

The city's fiscal year shall begin on the first day of July in each year and end on the thirtieth day of the following June in each year, including both days.

(Code 1970, § 2-1)

State law reference(s)--Fiscal year of cities, M.G.L.A. c. 44, § 56A.

Sec. 2-561. Payroll procedure.

All blanks for payrolls shall be made on single sheets of uniform length and width, and to insure uniformity in all respects, the blanks shall be in such form as may be approved by the city auditor. All payrolls shall be approved by the heads of departments and transmitted unfolded by them to the city auditor. They shall be examined and approved by the city auditor and the mayor and then transmitted to the city treasurer with a summary by divisions under the uniform system, which shall be a warrant for the payment of the same. After payments have been made, the payrolls shall be returned to the city auditor in such form as he may decide upon.

(Code 1970, § 2-29)

Cross reference(s)--City payrolls, M.G.L.A. c. 41, §§ 41, 42; approval of payrolls by city auditor, M.G.L.A. c. 41, § 52.

Sec. 2-562. Wages for mechanics, chauffeurs and laborers employed by contractors doing work for city.

Building trades mechanics, chauffeurs and laborers employed by contractors doing work for the city shall be paid the current wages established for like work by the Massachusetts Commissioner of Labor and Industries. In all contracts in excess of one thousand dollars (\$1,000.00), the contractor shall post, in a conspicuous place on the premises where the work is being done, a legible copy of all of the then current wage rates. Wilful refusal to abide by these conditions shall be considered sufficient cause to remove the offender from the list of those eligible to work or bid on city contracts.

(Code 1970, § 2-14)

State law reference(s)--State commissioner of labor and industries to establish minimum fair wage rates, M.G.L.A. c. 151, § 7.

Secs. 2-563--2-569. Reserved.

DIVISION 2. PURCHASING

Sec. 2-570. Department established.

A department for the purchase of materials and supplies for the city is hereby established under the authority and in accordance with the provisions of M.G.L.A. c. 41, § 103 and M.G.L.A. c. 30B.

(Code 1970, § 2-241; Ord. No. 12-1991, 4-9-91)

Sec. 2-571. Appointment of purchasing agent and clerks; clerks subject to civil service.

The mayor shall annually appoint a city purchasing agent and such assistants and clerks as are required; such assistants and clerks to be subject to M.G.L.A. c. 31, relating to civil service. The purchasing agent shall be the chief procurement officer as defined in M.G.L.A. c. 30B, § 2.

(Code 1970, § 2-242; Ord. No. 12-1991, 4-9-91)

Sec. 2-572. Removal of purchasing agent.

The purchasing agent may be removed at any time by the mayor.

(Code 1970, § 2-243)

Sec. 2-573. Purchasing agent to make all purchases; exception.

The purchasing agent shall purchase all supplies, materials and equipment required for the city and for every department thereof, as required by M.G.L.A. c. 30B.

(Code 1970, § 2-244; Ord. No. 12-1991, 4-9-91)

Sec. 2-574. When competition required.

All purchases and contracts for goods and services made by any office or department, including schools shall comply with the requirements of M.G.L.A. c. 30B.

(Code 1970, § 2-245; Ord. No. 12-1991, 4-9-91)

State law reference(s)--Advertisements for bids on contract proposals, M.G.L.A. c. 40, § 4G.

Sec. 2-575. Records.

A record shall be kept by the purchasing agent of the prices paid for the supplies, equipment and materials purchased and of all bids and from whom received on any supplies, equipment or materials which the purchasing agent purchases for any department of the city, and such record shall be open to the inspection of any citizen.

(Code 1970, § 2-246)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 103.

Sec. 2-576. Services or materials supplied by one department to another.

For the purposes of permitting the various departments of the government of the city to perform certain services or supply certain materials common to their respective departments to other departments and for the purpose of arranging a method of inter-department requisition, credit and debit, the purchasing department is hereby authorized to act as the intermediary in the procuring of the services or materials when requested, and in the execution of the system of inter-department requisition, credit and debit, in accord with the following stipulations:

- (1) The purchasing department shall not requisition service or material from any department without having previously gained the approval of the proper authority in the respective department or having ascertained the cost of the service or material requested;
- (2) When a department is supplying both service and material to another department, the department acting as the supplier shall not be expected to supply any materials not available or not common to the department acting as the supplier;

(3) The charges for any material or service shall not be in excess of cost price or prevailing hourly wage scale;

(4) No department shall be expected to perform a service for any other department while or when the necessary personnel or equipment is available in the department making the request;

(5) In its weekly work progress report, a department having had service performed or material supplied shall, in each instance, show proper credit to the performing or supplying department.

(Code 1970, § 2-247)

Secs. 2-577--2-584. Reserved.

DIVISION 3. CAPITAL IMPROVEMENTS

Sec. 2-585. Annual planning; capital improvements advisory board established.

A long range plan to serve as guidelines for capital improvements in the city shall be prepared each year in writing by the mayor subject to approval by the city council. Development of the plan shall take into account the recommendations made by a capital improvements advisory board, which is hereby established.

(Code 1970, § 2-18)

Sec. 2-586. Capital improvements advisory board--Function, composition, appointment, terms of office.

(a) The capital improvements advisory board shall consist of seven (7) members appointed by the mayor from the community at large with due care for providing an optimum mix of background and expertise, whose terms of three (3) years shall be staggered. The mayor shall designate a chairman of the board, who shall serve for a term of one (1) year and may be reappointed. All the members of the board shall elect a vice chairman from the membership, again on a yearly basis. No member of the city council shall serve as a member of the board.

(b) The board shall be appraised of the preparation of the ten-year capital improvements program developed by the community development department on a continuing basis, shall review the final ten-year program and shall submit a report on its review to the mayor.

(c) Minutes of each meeting of the capital improvements advisory shall be forwarded forthwith to each member of the city council.

(Code 1970, § 2-21; Ord. of 8-6-85, § I; Ord. No. 6-1991, § I, 2-26-91)

Sec. 2-587. Capital improvement plan.

(a) The capital improvement plan shall be concerned with physical facilities, such as land, buildings or other structures, or pieces of equipment, which require a relatively large investment and have a relatively long useful life.

(b) The capital improvement plan shall specify a detailed program of capital expenditures over a period of ten (10) fiscal years from the date on which it becomes effective and shall specify the methods of financing the proposed capital improvements.

(c) Guidelines for the planning process, specifying minimum cost and useful life of capital improvements to be considered in the capital improvement plan, the maximum proportion of total budget to be devoted to capital improvements, and any restrictions on methods of financing, shall be established on recommendation of the mayor and approval by the city council.

(d) The capital improvement plan shall be submitted by the mayor to the city council no later than ninety (90) days before the first day of the fiscal year in which it is to take effect. The plan shall be updated annually during the time it is in effect.

(Code 1970, §§ 2-19, 2-20; Ord. No. 6-1991, § I, 2-26-91)

Sec. 2-588. Scope of division.

Nothing in this division shall be construed as preempting or diminishing the statutory prerogatives of the city council or the mayor.

(Code 1970, § 2-22)

Secs. 2-589--2-594. Reserved.

DIVISION 4. TRUST FUNDS

Sec. 2-595. Custodian.

The city treasurer shall be the custodian of all trust funds given or bequeathed for the benefit of the city or the inhabitants thereof and securities of such funds. He shall invest and reinvest them and expend therefrom moneys as directed by the board. The treasurer shall furnish a bond satisfactory to the board for the faithful performance of his duties.

(Code 1970, § 2-259)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 46.

Sec. 2-596. Board of commissioners of trust funds--Creation; membership; purpose; officers.

(a) There is hereby created and established the board of commissioners of trust funds consisting of three (3) persons who are residents of the city at the time of their appointment. The board shall have the management of all trust funds given or bequeathed for the benefit of the city or the inhabitants thereof, unless the donor, in making the gift or bequest, shall otherwise provide.

(b) The members of the board of commissioners of trust funds shall be appointed by the mayor and confirmed by the city council. All members of the

board shall be appointed for a three (3) year term. Vacancies shall be filled by the mayor with the approval of the city council.

(c) The board of commissioners of trust funds shall choose one of its members to be chairman and one member to be clerk.

(Code 1970, §§ 2-270--2-273)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 45.

Sec. 2-597. Same--Powers and duties; reports.

(a) The board of commissioners of trust funds shall, so far as consistent with the terms of the trusts, manage and control the same, and distribute the income in accordance with the terms of the respective trusts.

(b) The board of commissioners of trust funds shall keep a record of its holdings and, at the close of each fiscal year, shall make a report to the mayor showing the total amount of the funds, and its investments, receipts and disbursements on account of the same, setting forth in detail the sources of the receipts and the purposes of the expenditures.

(Code 1970, §§ 2-273, 2-274)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 47.

Sec. 2-598. Huntress Fund--Designation.

The fund of thirty-three thousand, five hundred five dollars and nine cents (\$33,505.09) given to the city by the late Joseph F. Huntress of Boston, together with the accumulated interest thereon, shall be called the "Huntress Fund."

(Code 1970, § 2-280)

Sec. 2-599. Same--Investments and expenditures.

The board of trustees of the Huntress Fund shall keep the fund, as well as any and all additions made thereto, safely invested. The board is hereby authorized to expend from the same such sums as are necessary for the proper care and management of the fund; provided, however, that no part or portion of the principal shall be expended without first having obtained the consent of the city council thereto.

(Code 1970, § 2-285)

Sec. 2-600. Same--Records and reports of trustees.

The board of trustees of the Huntress Fund shall keep a record of all of its activities and annually, at the close of each fiscal year, make a report thereof in full to the city council regarding the standing of the fund.

(Code 1970, § 2-286)

Secs. 2-601--2-649. Reserved.

ARTICLE VII. CIVIL DEFENSE*

***Editor's note**--Sections 1--11 of a nonamendatory ordinance adopted Jan. 19, 1988, has been included herein at the discretion of the editor as Art. VII, §§ 2-650--2-660.

Sec. 2-650. Short title.

This article shall be known and may be cited and referred to as the "Civil Defense Ordinance of the City of Gloucester."

(Ord. of 1-19-88, § 1)

Sec. 2-651. Intent and purpose.

(a) It is the intent and purpose of this article to establish an office that will insure the complete and efficient utilization of all the city's facilities and combat disasters resulting from attack or other emergency situations.

(b) The Gloucester Office of Civil Defense will be the coordinating agency for all activity in connection with civil defense; it will be the instrument through which the mayor may exercise the authority and discharge the responsibilities vested in him in the Appendix to Chapter 33 of the General Laws of Massachusetts, as amended, and this article.

(Ord. of 1-19-88, § 2)

Sec. 2-652. Definitions.

The following definitions shall apply in the interpretation of this article:

Civil defense shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces other than the national guard are primarily responsible, for the purpose of minimizing and repairing injury and damage resulting from disasters caused by attack, sabotage or other hostile action; or by riot or other civil disturbance; or by fire, flood, earthquake or other natural causes. Said functions shall include specifically, but without limiting the generality of the foregoing, firefighting and police services other than the actual control or suppression of riot or other civil disturbance, medical and health services, rescue, engineering and air raid warning services, evacuation of persons from stricken areas, emergency welfare services, communications, radiological, chemical and other special weapons of defense, emergency transportation, existing or property assigned functions of plant protection, temporary restoration of public utility services and other functions.

Civil defense forces shall mean the employees, equipment and facilities and all city departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.

Civil defense volunteer shall mean any person duly registered, identified and appointed by the director of the office of civil defense and assigned to participate in the civil defense activity.

Director shall mean the director of the Gloucester Office of Civil Defense, appointed as prescribed in this article.

Mayor shall mean the mayor or the acting mayor as provided in section 3-10(a) of the City Charter, except that the acting mayor shall assume such office immediately upon the mayor's becoming unable to perform the duties of the office.

Regulations shall include plans, programs and other emergency procedures.

Volunteer shall mean contributing a service, equipment or facilities to the civil defense organization without remuneration.

(Ord. of 1-19-88, § 3)

Sec. 2-653. Organization and appointments.

(a) The mayor is authorized and directed to establish an organization for civil defense in accordance with the state civil defense plan and program. Said organization is to be known as the Gloucester Office of Civil Defense.

(b) The organization shall be constituted as follows:

(1) There shall be a director who shall be appointed by the mayor and who shall have direct responsibility for the organization, administration and operation of the Gloucester Office of Civil Defense, subject to the direction and control of the mayor.

(2) Every agency and all members of every department and division of the government of the city may be employed as part of the civil defense organization.

(3) Whenever the federal government or any agency or officer thereof, or any person, firm or corporation, shall offer to the city services, equipment, supplies, materials or funds, by way of gift, grant or loan for purposes of civil defense, the city, acting through its city council, may accept such offer, and upon acceptance, the city council may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city, and subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

(Ord. of 1-19-88, § 4)

Sec. 2-654. Emergency powers and duties.

(a) *The mayor.*

(1) The mayor may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in Article 3 of the City Charter. The city council may convene to perform its legislative and administrative powers as the situation demands, and shall receive reports relative to civil defense activities. Nothing in that article shall be construed as abridging or curtailing the powers or restrictions of the city council as defined in Article 2 of the City Charter.

(2) During any period when disaster threatens or when the city has been struck by disaster, within the definition of this article, the mayor may promulgate such regulations as he deems necessary to protect life and property and preserve critical resources. Such regulations may include, but shall not be limited to, the following:

- a. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of civil defense forces, or to facilitate the mass movement of persons from critical areas within or without the city.
- b. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
- c. Such other regulations necessary to preserve public peace, health and safety.
- d. Regulations promulgated in accordance with the authority above will be given widespread circulation by proclamations published and uttered by newspaper and radio. These regulations will have the force of ordinance when duly filed with the city clerk.

(3) The mayor may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the city for fair value thereof.

(4) The mayor may require emergency services of any city officer or employee. If regular city forces are determined inadequate, the mayor may require the services of such other personnel as he is able to obtain, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to such privileges and immunities as are provided by state law, the City Charter and ordinances for regular city employees and other registered and identified civil defense and disaster workers.

(5) The mayor shall cause to be prepared the basic plan herein referenced, shall exercise his ordinary powers as mayor, all of the special powers conferred upon him by the City Charter and the Ordinance Code of the City of Gloucester, and all powers conferred upon him by any state statute, or other lawful authority.

(b) *Director of the office of civil defense.*

(1) The director, under the supervision of the mayor, shall be responsible for the planning, coordination and operation of the civil defense activity in the city. He shall maintain liaison with the state and federal authorities and the authorities of other nearby political subdivisions as to insure the most effective operation of the civil defense plan. The director's duties shall include, but shall not be limited to, the following:

- a. Developing or causing to be developed, in collaboration with other public and private agencies, mutual aid arrangements for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted.

- b. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the city for civil defense purposes.
- c. Developing and coordinating plans for the immediate use of all of the facilities, equipment, manpower and other resources of the city for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- d. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the use of such buildings or other property for the civil defense purposes and designating suitable buildings as public shelters which comply with standards for shelters promulgated by the state director of civil defense.
- e. Educating the civilian population, through public informational programs, as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.
- f. Conducting public practice alerts to insure the efficient operation of the civil defense forces and to familiarize residents with civil defense regulations, procedures and operations.
- g. Coordinating the activity of all other public and private agencies engaged in any civil defense activity.
- h. Assuming such authority and conducting such activity as the mayor may direct to promote and execute the civil defense plan.

(Ord. of 1-19-88, § 5)

Sec. 2-655. Civil defense and disaster basic plan.

- (a) A comprehensive civil defense and disaster basic plan shall be adopted and maintained by resolution of the council upon the recommendations of the mayor. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The basic plan shall be considered supplementary to this article and have the effect of law whenever a disaster, as defined in this article, has been proclaimed.
- (b) The mayor shall prescribe in the basic plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the mayor a current list of three (3) persons as successors to this

position. The list will be in order of succession and will as nearly as possible designate persons best capable of carrying out all assigned duties and functions.

(c) Each service chief and department head assigned responsibility in the basic plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned city employees and volunteers. Each chief shall formulate the operational plan for his service which, when approved, shall be an annex to and a part of the basic plan.

(d) Amendments to the basic plan shall be submitted to the mayor. If approved, the mayor will submit the amendments to the city council with his recommendations for their approval. Such amendments shall take effect thirty (30) days from the date of approval unless action is taken by the council disapproving the mayor's submission. In the event an amendment is pending at the time that a disaster is proclaimed under provisions of this article, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the council.

(e) When a required competency or skill for a disaster function is not available within the city government, the mayor is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties in reasonable anticipation, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the city on a volunteer basis. Such citizens shall be enrolled as civil defense volunteers in cooperation with the heads of city departments affected.

(f) Some of the duties ascribed to the mayor in this section will ordinarily be handled as a matter of routine by the director, but the responsibility and authority stem from and remain with the mayor.

(Ord. of 1-19-88, § 6)

Sec. 2-656. No municipal or private liability.

(a) This article is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city nor agents and representatives of said city, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof in good faith and in the absence of gross negligence, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this article, shall be liable for any damage sustained by persons or property as the result of said activity. The provisions of this section shall not affect the right of any person to benefits to which he would otherwise be entitled under the State Civil Defense Act, Workmen's Compensation Act, pension and other similar law.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the city the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of, or damage to, the property of such person.

(Ord. of 1-19-88, § 7)

Sec. 2-657. Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to wilfully obstruct, hinder or delay any member of the civil defense organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

(Ord. of 1-19-88, § 8)

Sec. 2-658. Penalty.

Any person, firm or corporation violating any provision of this article, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars (\$300.00) and costs of prosecution or imprisonment in the Essex County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

(Ord. of 1-19-88, § 9)

Sec. 2-659. Severability.

Should any provision of this article be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this article, as a whole, it being the legislative intent that the provisions of this article shall be severable and remain valid notwithstanding such declaration.

(Ord. of 1-19-88, § 10)

Sec. 2-660. Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. of 1-19-88, § 11)

Secs. 2-661--2-700. Reserved.

**ARTICLE VIII. RESIDENTS PUBLIC CONSTRUCTION
EMPLOYMENT***

***Editor's note**--Ord. No. 19-1991, § I, adopted May 28, 1991, added Article VII to Chapter 2. Inasmuch as Chapter 2 contains an article so designated, the editor has redesignated said new article as Article VIII as herein set out.

Sec. 2-701. Purpose.

There is a need to ensure that Gloucester residents receive the maximum benefits from the implementation of public improvement projects undertaken by the city to improve and enhance the quality of its infrastructure, buildings, and other facilities. The city expends federal, state and municipal funds for public improvement projects, and Gloucester residents should receive a direct benefit from such expenditures in the form of construction employment necessary to implement such projects.

Therefore, it is appropriate for the city to make certain that each public construction project ensures that a substantial percentage of construction employees include Gloucester and Gloucester area residents.

(Ord. No. 19-1991, § I, 5-28-91)

[Sec. 2-701. Purpose - Repealed \(Ord. 04-14 08/10/04\)](#)

Sec. 2-702. Definitions.

Gloucester resident. Any person for whom the principal place of residence is within the City of Gloucester.

(Ord. No. 19-1991, § I, 5-28-91)

[Sec. 2-702. Definitions - Repealed \(Ord. 04-14 08/10/04\)](#)

Sec. 2-703. Policy.

On any public construction project, public works project, or public improvement project funded in whole or in part by municipal, state or federal funds, or funds which the city administers or is a contract signatory to, the contractor and/or subcontractor selected to undertake the construction work shall comply with the following requirements:

- (1) A minimum of thirty (30) percent of the total job, excludes public safety;
- (2) All developers, contractors, and subcontractors bidding in excess of one hundred thousand dollars (\$100,000.00) on such projects shall agree that any apprentices hired shall be apprentices indentured to a bona fide apprenticeship program, approved by the Commonwealth of Massachusetts.

(Ord. No. 19-1991, § I, 5-28-91; Ord. No. 6-1994, § I, 4-12-94)

Sec. 2-704. Compliance.

The city purchasing department shall be responsible for enforcing and monitoring compliance with provisions of this article.

All requests for proposal and contract documents issued by the city shall include a copy of this article.

When a construction contract is executed, the city department responsible for such contract (if not the purchasing department) shall notify the mayor's department in writing that such contract has been executed.

At least one (1) week prior to the start of construction, the contractor executing the contract shall submit to the Gloucester purchasing department the following requested information:

- (1) Scope of construction;
- (2) Construction time schedule;
- (3) Projected number of employees and manhours; and
- (4) Types of trades to be hired.

Upon initiation of construction, all contractors shall submit weekly workforce reports listing the following:

- (1) Names of employees;
- (2) Residential address of each employee;
- (3) Trade of each employee;
- (4) Job category of each employee; and
- (5) Hourly wage of each employee.

The purchasing department shall review all information submitted, and shall make certain that such requirements as defined in section 2-703 are complied with. If such requirements are not complied with, the enforcement procedures of section 2-705 shall be implemented.

(Ord. No. 19-1991, § I, 5-28-91)

Sec. 2-705. Administrative enforcement.

In the event of violation of this article, upon three (3) days written notice to the violator, the city, through its purchasing department, may take one (1) or more of the following actions:

- (1) Assessment of a fine of three hundred dollars (\$300.00) per day of violation, or the maximum amount allowed by law, whichever is less, against the contractor who violates this article, to be paid within thirty (30) days of such assessment;
- (2) Suspension of contract payments until violations have been eliminated; and
- (3) Termination of the contract.

(Ord. No. 19-1991, § I, 5-28-91)

Sec. 2-706. Compliance waiver.

In the event of high local construction employment levels of qualified Gloucester residents, and a documented inability of contractors and subcontractors to hire local workers because of such high local construction employment levels, compliance with the provisions of this article may be waived or reduced on a case-by-case basis, through a determination made by the Gloucester Area Residents Construction Employment Monitoring Committee, as defined in section 2-707, that high local employment levels

prohibit contractors and subcontractors from hiring Gloucester residents as required. Such documentation shall consist of research conducted by each contractor and subcontractor which shows a high level of effort in hiring Gloucester residents. Such efforts shall include local advertising to seek Gloucester residents, and solicitation of local companies or subcontractors for subcontracting purposes.

(Ord. No. 19-1991, § I, 5-28-91)

Sec. 2-707. Gloucester residents construction employment monitoring committee.

This article, its enforcement and compliance with its requirements shall be monitored by the Gloucester Residents Construction Employment Monitoring Committee.

Such committee shall be comprised of six (6) individuals, including the following:

- (1) A designee of the city council president;
- (2) A resident/taxpayer designee of the mayor;
- (3) A North Shore Building and Trades Union designee of the Cape Ann Chamber of Commerce;
- (4) A designee of the Gloucester Redevelopment Authority;
- (5) A designee of the North Shore Building Trades Council;
- (6) Designee of the local union business agent (Local 1263 Laborers).

Such committee shall meet on a biweekly basis, or as needed, and shall review and monitor all information and documentation provided by contractors to establish compliance with said article. If, through such monitoring, it is determined that one (1) or more developers, contractors or subcontractors are not complying with said article, the committee shall immediately request the purchasing department to initiate enforcement procedures, as provided in section 2-705 of said article. The sole exception to the implementation of such enforcement procedures is the determination and approval by the committee, as defined in section 2-706, that compliance cannot be obtained because of high local construction employment levels of Gloucester and Gloucester area residents, and that therefore a waiver from compliance should be allowed.

(Ord. No. 19-1991, § I, 5-28-91)

Sec. 2-708. Legality.

In the event that any section of this article is deemed illegal, unenforceable, or unconstitutional, then the remaining sections shall remain in full force and effect.

(Ord. No. 19-1991, § I, 5-28-91; Ord. No. 6-1994, § I, 4-12-94)

Secs. 2-709--2-750. Reserved.

ARTICLE IX. ARCHIVES AND RECORDS* (Ord. 03-28 Deleted Sec. 2-751 through Sec. 2-759 and replaced entirely, 7/8/2003)

(*Editor's note--Ord. No. 15-1994, adopted Aug. 23, 1994, enacted provisions which have been included herein at the discretion of the editor as Art. IX, §§ 2-751--2-759.

Sec. 2-751. Archives and records advisory commission established; composition; appointments.

((a) There shall be in the City of Gloucester an archives and records advisory commission hereinafter called the commission.

(b) The commission shall consist of the city clerk who shall serve as its chairman, the general counsel, the city treasurer or their respective designees and three (3) persons to be appointed by the mayor and confirmed by the city council. The appointed members of the commission shall serve for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected. In making such appointments, the mayor shall give a preference to those persons associated with or representative of public or private institutions concerned with the care, custody or use of archival materials.

(c) All members of the commission shall serve without compensation. The members appointed by the mayor shall be deemed special municipal employees under the Code of Ordinances, Section 2-44, for the purposes of M.G.L.A. c. 268A. (Ord. No. 15-1994, § 1, 8-23-94) Ord. 01-45 Deleted 11/13/2001)

((a) In order to promote adequate assurance of the long-term security, preservation and accessibility of records held in the Archives of the City of Gloucester, and of all other city records, there shall be in the City of Gloucester an archives and records advisory commission hereinafter called the commission.

(b) The commission shall consist of seven (7) persons appointed by the mayor and confirmed by the city council. The appointed members of the commission shall serve for a term expiring on the first Monday of January following the next biennial municipal election at which a mayor is elected. In making such appointments the mayor shall give preference to persons with broad management experience, familiarity with care, custody and the use of archival materials.

(c) The chairperson and vice-chairperson shall be elected by the members. The city clerk shall serve as a non-voting consultant, and shall designate a member of his staff as recorder. Department representatives may be called as consultants when needed.

(d) All members of the commission shall serve without compensation. The members appointed by the mayor shall be deemed special municipal employees under the Code of Ordinances, Section 2-44 for the purposes of M.G.L. c268A. (Ord. 01-45 11/13/2001) Ord. 03-28 Deleted 7/8/2003)

Cross reference(s)--Boards, commissions, councils and committees, § 2-400 et seq.

Sec. 2-752. Archivist; duties; appointment.

((a) There shall be within the office of the city clerk, the archives and records clerk hereinafter called the archivist. Said archivist shall establish and maintain a program for the administration and preservation of the records of the City of Gloucester under the provisions of M.G.L.A. c. 66. Such program shall be subject to the approval of the commission.

(b) The archivist shall be appointed by the city clerk, confirmed by the city council. The archivist shall perform the duties required by law, and with the assistance of the city clerk,

departmental custodians, and the commission, shall execute the responsibilities of chief records officer of the inactive records of the city.

(c) The city clerk may employ professional and technical assistants to the archivist as may be required in the performance of the duties of that office, subject to the qualifications set by the commission, and subject to budgetary approval of the city council. (Ord. No. 15-1994, § 2, 8-23-94) Ord. 01-45 Deleted 11/13/2001)

((a) There shall be within the office of the city clerk, the archives and record clerk hereinafter called the archivist. Said archivist shall establish and maintain a program for the administration and preservation of the records of the City of Gloucester under the provisions of M.G.L. c 66. Such program shall be developed in consultation with the commission to the approval of the city clerk.

(b) The archivist shall be appointed by the city clerk. The archivist shall be the liaison between the commission, city departments, other boards and shall perform the duties set forth in M.G.L. c66, section 1-13.

commission

(c) The city clerk may employ professional and technical assistants to the archivist as may be required in the performance of the duties of that office, subject to the qualifications set by the commission, and subject to the budgetary approval of the city council. (Ord. 01-45 11/13/2001) Ord 03-28 Deleted 7/8/2003)

Sec. 2-753. Archives committee.

(An archives committee consisting of volunteers appointed by the mayor and confirmed by the city council upon recommendation of the commission, shall assist the archivist in the performance of such tasks as are mutually agreeable to the committee and the archivist. Ord. 03-28 Deleted 7/8/2003)

(Ord. No. 15-1994, § 3, 8-23-94)

Sec. 2-754. Administration of city archives.

((a) Within the limits of policy promulgated by the Commonwealth Supervisor of Public Records, the commission shall approve, disapprove or modify all plans and schedules prepared by the archivist relative to the retention, disposition and preservation of records.

(b) (The commission shall advise in the administration of city archives Ord. 01-45 Deleted 11/13/2001) The commission shall advise departments in the administration and safekeeping of records and archival materials (Ord. 01-45 11/13/2001), and render annually to the mayor and city council a report regarding the development and status of municipal archives and records management

(c) The commission shall encourage departmental cooperation with municipal records regulations as provided for by this statute and shall be the final arbiter regarding any matters that may arise between departments and the archivist. 03-28 7/8/2003)

(Ord. No. 15-1994, § 4, 8-23-94)

Sec. 2-755. Procedures and standards for records and archives management.

The archivist shall develop procedures, standards and techniques and promulgate policies in relation to records and archives management; prepare inventories, indexes, guides, and other resource aids to facilitate the use of the public records of the city; establish procedures

for identifying the authoritative record copy of documents reflecting all amendments made during the approval process and identifying the office responsible for retaining the record copy; identify the records most vital to the operation of the city, which record shall be preserved in protected storage in order to survive disaster; create and implement retention and disposition schedules in compliance with regulations issued under M.G.L.A. c. 66, § 1; establish procedures for the lawful transfer and disposition of all noncurrent records, including those of semi-active status which must be retained for varying periods of time, but which are not needed frequently for the transaction of current business, and provide one or more records centers for accepting, storing, retrieving, servicing and protecting such records; appraise and preserve all inactive municipal records for their historical, administrative, legal fiscal, cultural or other important value; receive, arrange and describe all inactive records which come into the archivist's possession; establish and operate an archives repository in order to store, secure, process and conserve said records and to make them available for governmental reference and public use, and receive inactive archival records, being those records which have an enduring historical or administrative value from departments, agencies, offices, commissions, boards and public corporations, whether extant or defunct, as well as the records of all officials and agents of the City of Gloucester when those records are no longer necessary for conducting current business. Ord. 03-28 Deleted 7/8/2003)

(Ord. No. 15-1994, § 5, 8-23-94)

Sec. 2-756. Custody of public records; designation as archival records; disposition.

((a) All public records, as defined in M.G.L.A. c. 4, § 7, and c. 66, § 3, shall be the property of the city and unless otherwise provided for by law, shall be kept in the custody of the sole officer in charge of a department or office. (All records shall be delivered by outgoing officials and employees to their successors Ord. 01-45 Deleted 11/13/2001). Outgoing officials and employees shall certify to the city clerk that all records have been delivered to their successors. (Ord. 01-45 11/13/2001)

(b) Inactive records in the custody of departments may be designated as archival records by the archivist subject to the written rules and policies approved by the city clerk and the commission. Such records shall, after identification and appraisal by the archivist to determine their value, be transferred to the city's archival repository where they shall be processed, conserved and made available for reference. Ord. 03-28 Deleted 7/8/2003)

(Ord. No. 15-1994, § 6, 8-23-94)

Sec. 2-757. Presentation of records by departments, boards, agencies, etc.

(The officer in charge of any city department, agency, board, office, commission or public corporation shall make and preserve public records containing proper documentation of its organization, functions, policies, and procedures; establish and maintain effective controls over the creation, maintenance and use of records and guard against the loss or the unauthorized or unlawful removal of city records; apply the provision of approved records retention schedules to execute the orderly disposition of records including transfer to the city's records center or archives repository or noncurrent or inactive records; appoint a clerk as provided in M.G.L.A. c. 66, § 6, who shall act as a liaison between the agency and the archivist on all matters relating to the department's records and record-keeping practices. Ord. 03-28 Deleted 7/8/2003)

(Ord. No. 15-1994, § 7, 8-23-94)

Sec. 2-758. Destruction or disposal of records.

((a) The record copy of any record shall only be destroyed under full compliance of all state laws, and only by those authorized to do so under pertinent state laws and city ordinances. In some cases, this will required written approval from the state and, for the purpose of this ordinance, will, after review by the archivist, be submitted to the general counsel and city clerk for local approval. The archivist will then assist the department head in obtaining the state approvals. A list of the various types of records with required levels of approval shall be compiled by the commission in conjunction with the archivist. This list will be updated form time to time and will not be exhaustive, but used as a guideline.

(b) The city clerk and general counsel shall base their determinations on the potential administrative, fiscal, legal, research or historical values of the record and the applicable laws of the Commonwealth, ordinances of the city, and record retention schedules promulgated by said division.

(c) Requests to dispose of records shall be accompanied by a description of the records by series, inclusive dates, quantities and with reference to approved state and city retention schedules and shall include notification of time, place and method of disposal.

(d) Upon disposal of the records, the department, agency, office, commission, board of public corporation which requested the disposal shall submit to the archivist a certificate of disposal listing the records and certifying to their disposal. Said division shall insure the proper destruction of all disposable records, in accordance with the preceding provisions, within ninety (90) days of the date of eligibility.

(e) Records designated as archival shall be retained for historical or research purposes and shall be transferred to the municipal archives for permanent custody. Ord. 03-28 Deleted 7/8/2003)

(Ord. No. 15-1994, § 8, 8-23-94)

Sec. 2-759. Return or recovery of public records.

(a) The archivist shall seek the return of public records of the city which have been alienated from its possession or provide for the reproduction of alienated records, or provide information concerning the location of these records, if they have been maintained in a safe and usable manner and are available for public use.

(b) Upon request of the city clerk and the commission, the general counsel may take action to recover any municipal records, artifacts or documents deemed to have historical significance which were previously sold, transferred, loaned or otherwise removed from the city without proper authorization. Ord. 03-28 Deleted 7/8/2003)

(Ord. No. 15-1994, § 9, 8-23-94)

ARTICLE IX. ARCHIVES AND RECORDS MANAGEMENT* (Ord. 03-28, 7/8/2003 replaces prior Sec. 2-751 through Sec. 2-759

*Editor's note -- Ord. No. 15-1994, adopted Aug. 23, 1994; revised 11/13/2001; completely revised 6/2003; adopted 7/8/2003

Cross reference(s) -- Boards, commissions, councils and committees, § 2-400 et seq.

Sec. 2-751. Ownership and management of public records.

All public records, as defined in M.G.L.A. c. 4, § 7, and c. 66, § 3, shall be the property of the City and under the management control of the City Clerk.

Sec. 2-752. City Clerk; management control.

The City Clerk shall oversee the execution of policies and orders of the Supervisor of Public Records, and provisions of M.G.L.A. C.66. To that end, the City Clerk shall develop a program comprising procedures, standards and techniques for ensuring adequate custody, preservation and accountability of records and for archives management, as follows:

- a) advise departments in the administration and safekeeping of records and archival materials;
- b) appraise all inactive municipal records for their historical, administrative, legal, fiscal, cultural or other important value;
- c) establish procedures for the lawful transfer and disposition of all noncurrent records, including those of semi-active status which must be retained for varying periods of time, but which are not needed frequently for the transaction of current business;
- d) plan and provide one or more records centers for accepting, storing, retrieving, servicing and protecting such records;
- e) implement retention and disposition schedules (see Sec.2-756, 757);
- f) receive from City agencies for permanent archival storage records scheduled for permanent retention and those records which have an enduring historical value, when those records are no longer necessary for conducting current business;
- g) plan, establish and operate an archives repository in order to store, secure, process and conserve said records and to make them available for governmental reference and public use;
- h) in consultation with agencies having custody, identify the records most vital to the operation of the City, which records shall be preserved in protected storage in order to survive disaster;
- i) prepare plans and schedules relative to the retention, disposition and preservation of records, and insure the compliance with Commonwealth regulations governing them;

- j) prepare inventories, indexes, guides and other resource aids to facilitate the use of the public records of the City;
- k) establish procedures for identifying the authoritative copy of record of documents, reflecting all amendments made during the approval process and identifying the office responsible for retaining the copy of record.

In order to carry out the above duties and procedures, the City Clerk may request advice from the Records Management Advisory Board and/or the Archives Committee.

Sec. 2-753. Archivist; appointment; duties.

- a) There shall be within the office of the City Clerk, an archives and records clerk, appointed by the City Clerk, and hereinafter called the Archivist. Said Archivist shall oversee the City Clerk's program (see Sec. 2-752) for the administration and preservation of the records of the City of Gloucester under the provisions of M.G.L.A. c. 66.
- b) The Archivist shall be the liaison between the City Clerk and the various agencies of the City regarding the safekeeping and administration of City records.
- c) The City Clerk may employ, within budget constraints, temporary professional and technical assistance to the Archivist as may be required in the performance of the duties of that office.

Sec. 2-754. Archives Committee; appointment; duties.

- a) Members of the Archives Committee shall be appointed by the Mayor for three-year terms (or the unexpired portion thereof) expiring on February 15, such appointments to be confirmed by the City Council.
- b) The Committee shall assist the City Clerk and the departments in the performance of such tasks as are mutually agreeable to the Committee, the City Clerk and the departments as applicable. The Committee shall have no independent authority.
- c) One member of the Committee may be appointed to serve also on the Records Management Advisory Board.
- d) All members of the Committee shall serve without compensation. They shall be deemed special municipal employees under the Code of Ordinances, Section 2-44 for the purposes of M.G.L.A. c. 268a.

Sec. 2-755. Records Management Advisory Board established; appointments; duties.

- a) In order to promote adequate assurance of the long-term storage, security, preservation and accessibility of all records held by the City of Gloucester, there shall be in the City of Gloucester a Records Management Advisory Board hereinafter called the Board.
- b) The Board shall consist of seven (7) persons, one of whom may be a member of the Archives Committee, appointed by the Mayor and confirmed by the City Council. Members shall be appointed for three-year terms (or the unexpired portion thereof) expiring on February 15. In making such appointments the Mayor shall give preference to persons with broad management experience and familiarity with the care and custody of records and with the use of archival materials.
- c) The chairperson, vice-chairperson and recorder shall be elected by the members of the Board. The City Clerk shall serve as a non-voting consultant. Department representatives may be invited as consultants when needed. Minutes of meetings of the Board shall be submitted to the office of the City Clerk on a regular basis.
- d) All members of the Board shall serve without compensation. They shall be deemed special municipal employees under the Code of Ordinances, Section 2-44 for the purposes of M.G.L.A. c. 268a.
- e) The Board shall continually review and assess the records storage and preservation systems of the City and advise the Administration, the City Council and the City Clerk about records management issues. The Board shall render annually to the Mayor and City Council a report regarding the development and status of municipal archives and records management and the adequacy of planning therefor.
- f) The Board shall, at intervals chosen by the members, review its mission and suggest changes in the ordinances that govern its actions.

Sec. 2-756. Agencies of the City; custody and preservation of records.

Unless otherwise provided for by law, records shall be kept in the custody of the manager of each City agency, or his/her designee. The manager of each City agency shall:

- a) make and preserve public records containing proper documentation of its organization, functions, policies and procedures;
- b) establish and maintain effective controls over the creation, maintenance and use of records and guard against the loss or the unauthorized or unlawful removal of City records;
- c) apply the provision of approved records retention schedules to execute the orderly disposition of records including transfer to the City's records center or archives repository of noncurrent or inactive records;

- d) designate a liaison between the agency and the City Clerk on all matters relating to the department's records and record-keeping practices; and
- e) certify to the City Clerk through the Personnel exit interview process that all records have been delivered to his/her successor.

Sec. 2-757. Destruction or disposal of records.

- a) The City Clerk or the designated records manager of each agency shall make the determinations on the potential administrative, fiscal, legal, research or historical value of each record and the applicable laws and retention schedules of the Commonwealth.
- b) Requests to dispose of records shall be accompanied by a description of the records by series, inclusive dates, quantities with reference to State and City retention schedules and shall include notification of intended time, place and method of disposal.
- c) The master copy of any record (called the copy of record) shall be not be destroyed except in full compliance with all Commonwealth laws, and only by those authorized to do so under pertinent laws and City ordinances.
- d) Upon disposal of the records, the records manager of the agency which requested the disposal shall submit to the Archivist a certificate of disposal listing the records and certifying to their disposal. Said division shall ensure the proper destruction of those disposable records, in accordance with the preceding provisions, within ninety (90) days of the date of eligibility.
- e) Records designated as archival shall be retained for historical or research purposes and shall be transferred to the municipal archives for permanent custody.

Sec. 2-758. Return or recovery of public records.

- a) The City Clerk shall seek the return of missing municipal records, provide for the reproduction of said records, or provide information concerning the location of these records if they are maintained in a safe and usable manner and are available for public use.
- b) Upon request of the City Clerk, the General Counsel may take action to recover any municipal records, artifacts or documents deemed to have historical significance which have been transferred, loaned or otherwise removed from the City without proper authorization.(Ord. 03-28 7/22/2003)

Chapter 3 AMUSEMENTS*

***Cross reference(s)**--Public display of fireworks, § 8-3; parks and recreation, Ch. 15.
reference(s)--Theatrical exhibitions, public amusements, etc., generally, M.G.L.A. c. 140, §§ 181--185G. _____

ARTICLE I. IN GENERAL

Sec. 3-1. Right of entry on premises.

Any duly authorized city employee shall have the right to lawfully enter any place of amusement or exhibition at any time.

(Code 1970, § 3-1)

Secs. 3-2--3-14. Reserved.

ARTICLE II. LICENSE

Sec. 3-15. Required.

(a) *Generally.* In accordance with the provisions of M.G.L.A. c. 140, § 181, no theatrical exhibitions, public shows, public amusements or exhibitions of any description, to be held on weekdays only, and to which admission is obtained upon payment of money or upon the delivery of any valuable thing or by a ticket or voucher obtained for money or any valuable thing, or in which, after free admission, amusement is furnished upon a deposit of money in a coin-controlled apparatus, shall be conducted in the city until a license therefor has first been obtained from the licensing commission. All licenses so granted shall be subject to all laws of the commonwealth relating to public amusements and to such other terms and conditions as the city council may from time to time require.

(b) *Sunday activities.* No person shall conduct any game, sport, entertainment or other activity, mentioned in M.G.L.A. c. 136, § 4, on Sunday, unless a license therefor has been granted by the licensing commission. Such license and the procedure for its issuance shall be subject to all of the provisions of M.G.L.A. c. 136, § 4.

(c) *Jugglers, street musicians and other such street entertainers shall be required to be permitted through the Licensing Commission under this article with fee as specified in Sec. 3-18 (b) (3) whether or not any remuneration is received as payment or donation, but shall not be permitted on Western Avenue from "The Tavern" to its intersection with Hough Avenue, excluding any city sanctioned events. (Ord. 01-28 7/10/2001)*

(Code 1970, § 3-12)

Sec. 3-16. Application; issuance.

(a) The application for a license under this article shall be in writing and shall fully and specifically describe the conditions of the proposed exhibition, show, or amusement and the premises upon which the proposed exhibition, show, or amusement is to take place, to the extent that such conditions or premises would affect the public safety, health or order. Upon written request of the mayor or the licensing commission, the applicant shall in addition furnish reasonable information concerning the conditions of the premises and actions to be taken in order to prevent danger to the public safety, health, or order. Within thirty (30) days following receipt of any such application, the license shall be granted or a hearing shall be ordered, preceded by at least ten (10) days written notice to the applicant. Within forty-five (45) days next following the close of any such hearing, the license shall be granted or denied upon a finding that issuance of such a license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

(1) Unreasonably increasing pedestrian traffic in the area in which the premises are located;

(2) Increasing the incidence of disruptive conduct in the area in which the premises are located;

(3) Unreasonably increasing the level of noise in the area in which the premises are located.(b) Notice of denial of an application under this section shall be delivered to the applicant in writing and shall be accompanied by a statement of the reasons therefor. No application shall be denied if the anticipated harm is not significant or if the likelihood of its occurrence is remote. The mayor or the licensing commission may impose conditions upon a license, but the commission conditions may only relate to compliance with applicable laws or ordinances, or to public safety, health or order, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public.

(c) No applicant having been denied a license as provided in this section shall submit the same or a similar application within one (1) year of denial without including in the new application facts showing that the circumstances upon which the original denial was based have substantially changed.

(d) All licenses granted under the authority of this article shall be issued and signed by the city clerk, as clerk of the licensing commission. The clerk shall keep a record of all licenses issued.

(Code 1970, § 3-14)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 181.

Sec. 3-17. Insurance required of certain applicants.

No license shall be issued under this article for a traveling carnival, circus or other such traveling amusement which does not have its principal place of business within the commonwealth unless the licensee certifies that he has provided by insurance for the payment of compensation and the furnishing of other benefits under M.G.L.A. c. 152 to all persons to be employed by the licensee and that such insurance shall continue in full force and effect during the term of the license. Any such licensee shall further certify that he has obtained a policy of public liability insurance in the amount of at least

twenty-five thousand dollars (\$25,000.00) to pay any claims or judgments rendered against him in favor of patrons or others to recover damages resulting from the negligence of the licensee. The amount of insurance of the policy required by this section or in effect shall not limit or impair any right of recovery to which any plaintiff may be entitled in excess of such amount.

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 181.

Sec. 3-18. Fees.

(a) *Licenses.* The following fees shall be charged for licenses for theatricals, exhibitions, public shows, public amusements, bowling, motion pictures, exhibitions and amusements of every description for which a charge is obtained in the form of payment of money or collection of money or the delivery of any valuable consideration for the privilege of being present thereat or engaging therein, or by any ticket or voucher obtained for money or any valuable consideration:

- (1) For an annual license beginning on the first day of January in any year or on any day thereafter and extending to the first day of January in the succeeding year, one hundred dollars (\$100.00).
- (2) Pool or billiard tables, for each, per year, twenty dollars (\$20.00).
- (3) Temporary exhibitions, for each day, twenty dollars (\$20.00).
- (4) Circus or carnival license, each event, fifty dollars (\$50.00).
- (5) Circus or carnival games, per game, fifteen dollars (\$15.00).
- (6) Circus or carnival rides, per ride, fifteen dollars (\$15.00).
- (7) For all other licenses unless otherwise provided by ordinances or statutes, twenty dollars (\$20.00).

(b) *Permits.* The following fees shall be charged for permits:

- (1) Carnivals, for each ride, ten dollars (\$10.00).
- (2) Circuses, ten dollars (\$10.00).
- (3) Entertainment, for each day, five dollars (\$5.00).
- (4) Circus games, fifteen dollars (\$15.00).
- (5) Carnival games, fifteen dollars (\$15.00).
- (6) Circuses, per ride, twenty-five dollars (\$25.00).

(Code 1970, § 3-13; Ord. No. 35-1992, § I, 11-17-92; Ord. No. 49-1997, § I, 7-8-97; Ord. No. 124-1998, § I, 9-29-98)

Sec. 3-19. Suspension or revocation.

The licensing commission may suspend or revoke a license granted pursuant to the provisions of this article upon finding, after a hearing preceded by ten (10) days written notice to the licensee, that conditions exist which would have justified denial of the original application for the license provided, that the mayor or the licensing

commission may petition the superior court department of the trial court to enjoin any violation of this article.

(Code 1970, § 3-15)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 181.

Secs. 3-20--3-29. Reserved.

ARTICLE III. AUTOMATIC AMUSEMENT DEVICES*

***State law reference(s)**--Automatic amusement devices, M.G.L.A. c. 140, § 177A et seq.

Sec. 3-30. Definitions.

As used in this article the following words and phrases shall have the following meanings, unless otherwise expressly provided:

Automatic amusement device shall mean any mechanism whereby, upon the deposit of a coin or token therein, any apparatus is released or set into motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player or for the amusement of the player. The term "automatic amusement device" includes pinball machines but excludes vending machines in which are not incorporated gaming or amusement features and any coin-operated mechanical musical devices such as juke boxes.

Automatic amusement device arcade or *arcade* shall mean and include any location or premises for which five (5) or more automatic amusement devices or other coin-operated games are duly licensed. Any location or premises licensed for five (5) or more such devices shall be conclusively presumed to be engaged in the business of offering such devices for public use and not offering such devices as an incident to a separate primary business or occupation.

Proprietor shall mean any person who, as the owner, lessee or proprietor or employee has under his or its control any establishment, place or premises in or at which an automatic amusement device is placed or kept for use or play, or an exhibition for the purpose of use or play.

(Ord. of 6-15-82, § I(16))

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

State law reference(s)--Automatic amusement device defined, M.G.L.A. c. 140, § 177A(2).

Sec. 3-31. Hours of operation.

No proprietor shall permit or allow the use or play of automatic amusement devices except during the following times:

- (1) Monday through Thursday: 11:00 a.m. to 10:00 p.m.

(2) Fridays and Saturdays: 11:00 a.m. to 11:00 p.m.

(3) Sundays and Holidays: 12:00 noon to 10:00 p.m.

(Ord. of 6-15-82, § I(17(a)))

Sec. 3-32. Use of automatic amusement devices by schoolchildren.

(a) No proprietor shall permit or allow the use, play or operation of any automatic amusement device by any person between the ages of 5 and 16 during the hours which such person is required by law to attend school. The hours of required school attendance shall be presumed to be from 7:00 a.m. to 2:30 p.m. It shall be presumed that school is in session and attendance is lawfully required if the public schools are in session in the city.

(b) For the purposes of this section, the presumptions as to the ages and times of required school attendance shall be rebuttable by evidence that a particular child is not required by law to attend school or is enrolled in a school which is not in session at the particular time or date in question.

(Ord. of 6-15-82, § I(18))

Cross reference(s)--Schools, Ch. 18.

Sec. 3-33. Adult supervision.

No proprietor shall permit or allow the play, use or operation of any automatic amusement device unless the place of business where such device is located is under the supervision of a person eighteen (18) years of age or older.

(Ord. of 6-15-82, § I(19))

Sec. 3-34. Penalties for violation.

Violation of the provisions of this article shall be subject to the provisions of M.G.L.A. c. 140, § 177A.(Ord. of 6-15-82, § I(20))

Secs. 3-35--3-44. Reserved.

ARTICLE IV. PORTABLE SHOWS

Sec. 3-45. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Portable show shall mean any circus, carnival or other similar exhibition.

Owner shall mean the proprietor, operator, agent or possessor of a portable show.

(Code 1970, § 3-21)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 3-46. Permit required.

No portable show shall be held within the city unless the owner thereof obtains a permit therefor from the licensing commission.

(Code 1970, § 3-22)

Sec. 3-47. Application for permit.

(a) Not less than fifteen (15) days before exhibiting any portable show in this city, the owner thereof shall make application on a form provided by the city clerk which application shall contain such information as required in subsection (b).

(b) The following information shall be provided on applications for permits under subsection (a):

- (1) The name, address and telephone number of sponsoring organization;
- (2) The name, address and telephone number of portable show owner;
- (3) The name, address and telephone number of portable show manager;
- (4) The proposed dates of portable show operation;
- (5) The proposed location of portable show operation;
- (6) The name and address of insurance carrier and amounts of public liability insurance provided pursuant to section 3-25.

(Code 1970, §§ 3-23, 3-24)

Sec. 3-48. Proof of financial responsibility required.

Before exhibiting any portable show in this city, the owner thereof shall furnish proof of financial responsibility to satisfy claims for damages on account of any physical injuries or property damage suffered by any person by reason of any act or omission on the part of the owner, his agents or employees in such amount, character and form as the commissioner of insurance for the commonwealth determines to be necessary for the protection of the public or one million dollars (\$1,000,000.00) which is greater. Proof of financial responsibility shall be in the form of a certificate of insurance containing an endorsement providing thirty (30) days' written notice to the city clerk before insurance naming the City of Gloucester as a co-insured in the amount of one hundred thousand dollars (\$100,000.00) per incident for any personal injuries or property damage sustained by individuals occurring at the location of the portable show operation while such individuals are in attendance at the operation. A certificate shall be provided to the city clerk as proof of the co-insurance and said certificate shall have an endorsement providing thirty-day written notice to the city clerk before insurance cancellation or addition of restrictive amendments. The owner shall indemnify and hold harmless the City of Gloucester from all damages should the required insurance lapse prior to any claims or awards.

(Code 1970, § 3-25; of 3-1-83, § I; Ord. of 12-22-87)

State law reference(s)--Insurance for such shows, M.G.L.A. c. 140, § 181.

Sec. 3-49. Requirements for temporary permits.

The licensing commission shall not issue a temporary permit for the operation of a portable show until the following requirements have been satisfied:

- (1) Evidence of insurance has been judged satisfactory by the licensing commission;
- (2) Evidence of compliance with commonwealth equipment certification requirements;
- (3)
 - a. The owner shall have the portable show completely set up a minimum of one (1) day prior to the approved opening date for the purpose of affording inspectional agencies time to inspect the show, order corrections, provide for reinspection of corrections and file the necessary reports with the licensing commission prior to the final permit issuance. Show rides, tents, food concessions, etc. not ready or available for inspection by 8:30 a.m. on the day before the approved opening will not be inspected and will not be approved for use.
 - b. Inspection and approval by the board of health;
 - c. Inspection and approval by the city electrician;
 - d. Inspection and approval of all rides and related equipment by a safety engineer who is a registered professional engineer in the commonwealth, which inspection shall determine whether the rides will be reasonably safe for public attendance and use with inspection to commence after said rides have been assembled for use on the dates proposed in the permit application;
 - e. Inspection and approval of all moving devices and rails from the ground up to the interface of all rides and related equipment by the building inspector's office as provided under section 19, Portable Shows of the state building code;
 - f. Notification by the chief of police that adequate police protection at the carnival site and along Western Avenue has been engaged by the owner or sponsor of the portable show;
 - g. Notification by the fire chief that the character and arrangement of the seating, means of egress, lighting and fire fighting appliances make the portable show reasonably safe against both fire and casualty hazards;
 - h. Any and all fees resulting from inspection set forth above shall be borne by the owner of the portable show;
 - i. Written approval from the director of public works for the use of city-owned land and facilities or the school department for school property and facilities must be obtained. The approving

authority must establish requirements to assure an adequate work force is engaged by the owner for daily and final site cleanup, provision of adequate bathroom facilities for workers and the public (i.e., numbers of portable toilets), and other requirements deemed necessary.

j. The carnival or show period shall not exceed seven (7) days and shall open no earlier than 1:00 p.m. and close no later than 11:00 p.m.

(4) The sponsoring organization or representative shall be available, during normal business hours, at their listed telephone number, for problem resolution. The sponsoring organization is responsible for all requirements should the show owner fail to comply with City of Gloucester requirements.

All approvals and notifications set forth above shall be in the form of a written communication to the city clerk.

(Code 1970, § 3-26; Ord. of 7-22-76, § 1(A), (B); Ord. of 8-3-82, § I; Ord. of 12-22-87, §§ III--VI)

Sec. 3-50. Games, contests, etc., offering money prizes prohibited.

No game, contest, amusement, activity or device, which offers a prize of money, coin and/or token shall be permitted as part of a portable show.

(Ord. of 7-22-76, § 1(C); Ord. No. 118-1998, § I, 9-1-98)

Sec. 3-51. Revocation of permit.

Permits may be revoked immediately, upon authorization from the licensing commission chairman, or in his absence, another commission member, for the following reasons:

- (1) Violations of any permit restrictions.
- (2) Failure to comply with any lawful order of the police department or other inspectional agencies listed under section 3-49(3).

Following said revocation, the licensing commission shall hold an emergency public meeting, as soon as practical, to review the revocation and take remedial action as necessary.

(Code 1970, § 3-27; Ord. of 12-22-87, § VII)

Sec. 3-52. Prohibition.

Carnivals shall be prohibited at Stage Fort Park.

(Ord. of 12-22-87, § I)

Chapter 4 ANIMALS*

***Cross reference(s)**--Shellfish, seaworms and eels, Ch. 20.

State law reference(s)--Cruelty to animals, M.G.L.A. c. 272, § 77 et seq.

ARTICLE I. IN GENERAL

Sec. 4-1. Certain animals not to be at large on streets.

(a) No owner or person, having the charge of any horse, cow, swine, goat or other grazing animal, shall permit the same to go at large in any street.

(b) As used in this section, the term "at large" shall mean the animal is off the premises of its owner or keeper and not under the direct control of a competent person.

(Code 1970, § 20-24)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

State law reference(s)--Municipal authority to pass ordinances regulating animals in streets, M.G.L.A. c. 85, § 10; strays generally, M.G.L.A. c. 134.

Sec. 4-2. Disturbing and/or feeding of seagulls and pigeons.

No person shall disturb or feed any seagulls, pigeons, terns or waterfowl on any street or sidewalk on public property or anywhere in the downtown area.

(Ord. No. 102, § I, 10-24-00)

Secs. 4-3--4-14. Reserved.

ARTICLE II. DOGS*

***Cross reference(s)**--Chief of police to act as dog constable, § 17-21; dogs prohibited in school grounds or buildings, § 18-6.

State law reference(s)--Municipal authority to regulate dogs, M.G.L.A. c. 140, § 173.

Sec. 4-15. Running at large prohibited.

(a) No person owning or keeping a dog in the city shall permit such dog at any time to run at large in the city. Each incident in which a dog, licensed or unlicensed, is on public or private property without authorization and is not under the direct control of its owner by a leash not exceeding six (6) feet in length shall be a violation of this section.

(b) As used in this section, the term "at large" shall mean the dog is off the premises of its owner or keeper and not under the direct control of a competent person by a leash not exceeding six (6) feet in length.

(Ord. of 2-8-77, § I; Ord. of 8-11-81, § 1)

Sec. 4-16a. Dogs prohibited on beaches at certain times.

(Dogs shall be prohibited from being on public beaches from April 1 to October 31 of each year. Dogs on public beaches from November 1 to March 31 of each year shall be under the control of the owner or keeper. Ord. 02-31 Delete 7/23/2002)

Dogs shall be prohibited from public beaches from May 1 to September 15, annually. Dogs shall be allowed on public beaches from September 16 to April 30, annually, and shall be under the control of the owner or keeper. (Ord. 02-31, 7/23/2002)

(Ord. No. 95-1998, § I, 7-7-98)

Editor's note--Ord. No. 95-1998, § I, adopted July 7, 1998, repealed the former § 4-16 and enacted §§ 4-16a and 4-16b as set out herein. Section 4-16 pertained to dogs prohibited on beaches at certain times and derived from § II of an ordinance adopted Feb. 8, 1977, and § 2 of an ordinance adopted Aug. 11, 1981.

Sec. 4-16b. Dogs prohibited in city-owned cemeteries at all times.

Dogs shall be prohibited from all city-owned cemeteries at all times.

(Ord. No. 95-1998, § I, 7-7-98)

Sec. 4-16c. Dogs prohibited on athletic fields.

Dogs shall be prohibited from all city-owned athletic fields at all times. (Ord. No. 02-02, 1/22/2002)

Sec. 4-17. Female dogs in heat to be confined.

Every female dog in heat shall be confined in a building or secured enclosure in such a manner that it cannot come into contact with another animal except for planned breeding.

(Ord. of 2-8-77, § I; Ord. of 8-11-81, § 1)

Sec. 4-18. Impoundment; notice to owner; transfer of custody.

(a) The city's dog officer shall catch and confine any dog found to be in violation of any provision of this article. When any dog has been impounded, the owner shall be notified within twenty-four (24) hours of the violation and fine which is being assessed. The owner or keeper of an impounded dog shall have ten (10) days in which to recover the dog.

(b) Except as provided below, any dog which is held in confinement by the dog officer that shall not have been claimed by the owner or keeper at the end of the ten (10) day period shall be transferred to the care and control of the Massachusetts Society for the Prevention of Cruelty to Animals or some other similar organization, or to any person offering to pay the fee for confinement. In no case shall a dog be sold or delivered to or given to any person or organization intending to use the dog or vivisection purposes.

(c) Impoundment under this chapter shall also include the placement by the dog officer of the dog in a kennel licensed by the commonwealth.

(Ord. of 2-8-77, § I; Ord. of 8-11-81, § 1; Ord. of 4-18-89, § I)

Sec. 4-19. Redemption of impounded dogs.

(a) No dog confined for a violation of this article shall be released to its owner or keeper except as provided herein. The dog officer shall issue to the owner or keeper of any such dog a citation for the violation of this article. The first violation in any calendar year shall bear a fine of ten dollars (\$10.00) for the first offense in a calendar year; a fine of thirty dollars (\$30.00) for the second offense in a calendar year; a fine of fifty dollars (\$50.00) for the third or subsequent offense in a calendar year.

(b) In case of the first and each succeeding violation in any calendar year, no dog shall be released prior to the receipt by the dog officer of due notice of the payment of the fine for all outstanding notices of violation or of the deposit of the amount of the fines as a security for the payment of said fines. In every case in which the owner or keeper refuses to pay such fines or a deposit for security for such fines, the dog shall be held until a hearing on the charged violation has been held and the owner shall be liable for all confinement charges as provided herein. As used in this subsection, the term "outstanding notices of violation" shall include only those notices of violation resulting in confinement.

(c) Notwithstanding the provisions of this section to the contrary, no dog so confined shall be released prior to the payment of confinement and care charges of the actual contract cost to the city of confining, impounding or boarding the dog.

(d) The provisions of this article shall not apply to any person or organization who owns, keeps or maintains any dog as part of a canine corps for the commonwealth or any of its political subdivisions while actually engaged in the performance of official duties.

(Ord. of 2-8-77, § I; Ord. of 11-1-77, § I; Ord. of 8-11-81, § 1; Ord. of 4-18-89, § I)

Sec. 4-20. Pound; dog officer.

(a) The city shall make provision for a pound for the confinement of stray dogs, dogs impounded due to violations of this article, or dogs rescued from danger or distress. The operation of the pound shall incorporate the regular services of a licensed veterinarian. Notwithstanding the provisions of this section to the contrary, if the city has not provided for a city pound the city may contract with a kennel which is licensed by the commonwealth.

(b) The city shall make provision for the services of at least one full-time dog officer, whose duty it shall be to enforce the provisions of this article, of the licensing laws relevant to dogs, and of other relevant commonwealth law. The dog officer shall have the power to decide on the merit of complaints of citizens with regard to what they feel are nuisance dogs and issue citations to owners which, unless appealed under commonwealth law, shall be referred to the district court if citation is ignored.

(Ord. of 2-8-77, § III; Ord. of 8-11-81, § 3; Ord. of 4-18-89, § I)

Cross reference(s)--Officers and employees, § 2-40.

State law reference(s)--Animal pounds generally, c. 49, § 22 et seq.; dog officers generally, M.G.L.A. c. 140, § 151.

Sec. 4-21. Dog fouling.

(a) *Duty to dispose.* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street or other public area. It shall further be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any private property neither owned nor occupied by said person.

(b) *Duty to possess means of removal.* No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park, or other public area without the means of removal of any feces left by such dog. Furthermore, no person who owns, possesses or controls such dogs shall appear on any private property neither owned nor occupied by said person without the means of removal of any feces left by said dog. Disposal in city trash barrels or bins or in storm drains is prohibited.

(c) *Method of removal and disposal.* For the purposes of this subsection, the means of removal shall be any tool, implement, or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to a place suitable and regularly reserved for the disposal of human feces, specifically reserved for the disposal of canine feces, or as otherwise designated as appropriate by the agent of the board of health.

(d) *Fines for violation.* Violation of this regulation shall be punished by a fine of twenty-five dollars (\$25.00) for the first offense in a calendar year, and fifty dollars (\$50.00) for any additional offenses within the same calendar year. Chapter 4-18(a), Impoundment, does not apply to violations of section 4-21.

(e) *Enforcement.* Violations of section 4-21 shall be enforced in accordance with all other applicable laws governing municipal ordinances; however, at the option of the enforcing person, violation may be enforced non-criminally pursuant to M.G.L.A. c. 40, § 21D and as provided in Section 1-15 of this code rather than by a criminal complaint in District Court.

(f) *Exemption.* This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this subsection.

(g) *Severability.* The provisions of this subsection are severable; and, if any of the provisions of this subsection shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

(h) *Notification.* Upon licensing of a dog, the owner shall be given subsection 4-21, Items (a) through (h) by the dog officer, city clerk, or person issuing the license.

(Ord. No. 13-1994, § I, 8-9-94)

Sec. 4-22. Fees and penalties.

((a) *Revised fees for dog licenses, effective October 29, 1998:*

Male/female/neutered/spayed, each dog . . . \$10.00 Ord. 02-63, Delete, 05/28/2002)

(b) *Late penalty, effective April 30, 1993.* The owner shall pay a penalty of ten dollars (\$10.00) for any dog whose license fee has not been paid by April thirtieth of the current licensing renewal year.

(Ord. of 3-16-93) (Ord. No. 121-1998, § I, 9-29-98)

(a) *Revised fees for dog licenses, effective, July 1, 2002*

Male/female/neutered/spayed, each dog - \$15.00

(Ord. 02-63, 5/28/2003)

Chapter 5 BUILDINGS AND BUILDING REGULATIONS*

***Charter reference(s)**--Provisions relating to city building committee, section 7-18.

Cross reference(s)--Inspector of buildings, § 2-115 et seq.; power of department of public works pertaining to buildings and building regulations, § 2-283; fire prevention and protection, Ch. 8; planning, Ch. 16; streets, sidewalks and other public places, Ch. 21; numbers to be affixed or inscribed on buildings, § 21-4; utilities, Ch. 23; sewers generally, § 23-15 et seq.; building sewers and connections, § 23-36; water, § 23-55 et seq.; trees to be protected when buildings are erected or repaired, § 24-22.

State law reference(s)--Adoption of state building code authorized, M.G.L.A. c. 23B, §§ 16, 17; applicability of state code throughout state, M.G.L.A. c. 143, § 3A.

ARTICLE I. IN GENERAL

Sec. 5-1. Furnishing street lines and grades prior to erection or alteration of fences, walls or buildings.

No person shall proceed to erect or make any alterations in the location or grade of any fence, wall or building, a part of which is to abut upon a public street, lane, square or alley, without first applying to the city engineer for the lines and grades of the street, lane, square or alley upon which he intends to build. Any such application shall be made at least five (5) days before the work is begun, and the city engineer shall, within the time named, furnish the required lines and grades without charge, if in his power so to do.

(Code 1970, § 2-217)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

Sec. 5-2. Fencing of swimming pools required.

(a) Any person owning land in the city on which there is situated a swimming pool, in-ground or above-ground, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make the pool inaccessible to small children. Any such enclosure, including gates therein, must be not less than four (4) feet above the underlying ground. All gates must

be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children. Any such enclosure shall be located at least a distance of five (5) feet away from the pool. Fences located on above-ground pool decks shall not be considered as meeting the requirements of this section unless specifically approved by the inspector of buildings. Above-ground pools with a wall height of five (5) feet or more will be exempt from the fencing requirement, but a gate must be placed around the access to any such pool.

(b) This section shall apply retroactively to all in-ground and above-ground pools within the city. Pre-existing lawfully installed pools may be exempt from the above requirements if enclosures are provided which offer the same degree of protection as above and are acceptable to the inspector of buildings.

(Ord. of 5-23-78, § 1; Ord. of 8-30-78, § I)

State law reference(s)--Fencing, inspection of public or semipublic outdoor inground swimming pools, M.G.L.A. c. 140, § 206.

Secs. 5-3--5-14. Reserved.

ARTICLE II. BUILDING REGULATIONS

DIVISION 1. GENERALLY

Sec. 5-15. Building permit fees.

(a) No permit required by the state building code shall be issued by the inspector of buildings unless and until the fee therefor as specified in this section is first paid to such inspector for the use of the city. All fees collected hereunder shall be deposited with the city treasurer accompanied by an itemized list of all permits issued hereunder. Unless otherwise specified, all fees herein established upon increments of one thousand dollars (\$1,000.00) of "cost of construction" as defined in this section. The following schedule of fees for the issuance of building permits is hereby established.

<u>TYPE:</u>	<u>FEES</u>
(New buildings and additions and alterations Ord.02-20 Deleted 6/11/2002)	(Minimum fee \$30.00 Ord. 02-20 Deleted 6/11/2002)
(Roofing-Siding Ord.02-24 Deleted 6/25/2002)	(\$5.00 per \$1,000 of estimated valuation. Minimum fee \$30.00 Ord.02-24 Deleted 6/25/2002)
Building permits	\$35.00 minimum; \$6.00 per \$1000., total cost of construction Ord. 02-20, 6/11/2002
Relocation of Building Ord. 02-24 Deleted 6/25/2002)	(\$30.00 Minimum based on above scale. Ord. 02-24 Deleted 6/25/2002)
Demolition of Buildings Ord. 02-24 Deleted 6/25/2002)	(\$30.00 per floor Ord. 02-24 Deleted 6/25/2002)
Demolition of Buildings (Ord. 02-24 6/25/2002)	\$75.00 per story (Ord. 02-24, 6/25/2002)
<u>Release Stop Work Order</u>	<u>\$50.00</u>

(b) For the purpose of determining the building permit fee, the "cost of construction" shall generally be determined by the inspector of buildings to be an amount equal to the product of the square footage area of the construction multiplied by ~~(seventy-five dollars (\$75.00) Ord. 02-24 Deleted 6/25/2002)~~ one hundred twenty (\$120.00)(Ord. 02-24, 6/25/2002) per square footage area of such second story shall, for the purpose herein, be deemed to be one-half of the actual square footage area of such second story. In cases where it is impossible or impractical to determine the "cost of construction" by the method prescribed by this subsection, then such "cost of construction" shall be as the inspector of buildings shall in his discretion determine.

(c) Building permit fees shall not be required, and are hereby waived, for work done to buildings, structures, or parts thereof owned by the City of Gloucester and used for a public purpose by the city.

(d) Fees cited in Table 108 of the Commonwealth of Massachusetts State Building Code (780 CMR) are modified as follows:

<u>Places of assembly</u>	<u>(\$80.00 per certification period Ord. 02-20 Deleted 6/11/2002) \$100.00 per certification period Ord. 02-20, 6/11/2002</u>
<u>Day care centers</u>	<u>(\$80.00 per certification period Ord. 02-20 Deleted 6/11/2002) \$100.00 per certification period Ord. 02-20, 6/11/2002</u>
<u>Institutional</u>	<u>(\$150.00 (plus subnote d) Ord. 02-20 Deleted 6/11/2002) \$200.00 (plus subnote "d" of 740 CMR, Mass. Building Code) Ord. 02-20 6/11/2002</u>
<u>Residential (R-1)</u>	<u>(\$80.00 (plus subnote e) Ord. 02-20 Delete 6/11/2002) \$100.00 (plus subnote "e" of 740 CMR, Mass. Building Code) Ord. 02-20, 6/11/2002</u>

(e) Plumbing and gasfitting permit fees shall be as follows:

Residential plumbing permit: ~~(Ten dollars (\$10.00) plus five dollars (\$5.00) per fixture. Ord. 02-20 Delete 6/11/2002)~~ Twenty dollars (\$20.00) plus six dollars (\$6.00) per fixture. Ord. 02-20, 6/11/2002

Residential gasfitting permit: ~~(Ten dollars (\$10.00) plus five dollars (\$5.00) per fixture. Ord. 02-20 Delete 6/11/2002)~~ Twenty dollars (\$20.00) plus six (\$6.00) per fixture. Ord. 02-20, 6/11/2002)

Commercial plumbing permit: ~~(Twenty dollars (\$20.00) plus five dollars (\$5.00) per fixture. Ord. 02-20 Delete 6/11/2002)~~ Forty dollars (\$40.00 plus six dollars (\$6.00) per fixture. Ord. 02-20, 6/11/2002)

Commercial gasfitting permit: ~~(Twenty dollars (\$20.00) plus five dollars (\$5.00) per fixture. Ord. 02-20 Delete, 6/11/2002)~~ Forty dollars (\$40.00) plus six dollars (\$6.00) per fixture. Ord. 02-20, 6/11/2002)

(f) Reinspection fee for building, plumbing and gas work: Twenty-five dollars (\$25.00), collected prior to inspection.

(g) Building, plumbing and gas work done without permits are subject to double the permit fee.

(h) Building, plumbing and gas fees are non-refundable.

(i) Plan Reviews - For buildings over 35,000 cubic feet, at the building inspector's discretion, he may require that plans for any construction or alteration of such buildings be reviewed by a certified plan reviewer, and such expense shall be paid by the applicant. Ord. 02-20, 6/11/2002

(Code 1970, § 4-37; Ord. of 9-6-88, § I; Ord. of 9-14-89, § I; Ord. No. 14-1990, § I, 6-26-90; Ord. No. 60-1997, § I, 8-19-97)

Sec. 5-16. Building permits to be posted in city hall.

(a) The inspector of buildings or his designee shall, on the day of issuance of building permits, post such permits on the bulletin board located on the first floor of city hall, and such permits shall remain posted for at least twenty (20) consecutive days. Copies of building permits so posted shall be forwarded to the local newspaper.

(b) All building permits posted pursuant to subsection (a) shall include the name of the applicant and the location and type of the permit issued.

(Ord. of 1-25-77, § 1(4-30))

Sec. 5-17. Fire district established.

The city shall have a fire district which is hereby established and shall include the following area:

Beginning at a point on the Harbor Commissioner's line near Pavillon Beach, such point shall be the southwesterly extension of the westerly wall on the property known as The Tavern; thence running northeasterly from such point and by the westerly wall of The Tavern so-called to a point at the center line of Western Avenue; thence running easterly about 100 feet by the center line of Western Avenue to a point; thence running northeasterly about 440 feet by the center line of Western Avenue to a point at the intersection of the center lines of Angle, Washington and Main Streets; thence running northwesterly by the center line of Washington Street to a point at the intersection of the center lines of Washington and Middle Streets; thence running easterly by the center line of Middle Street to a point at the intersection of center lines Middle and Pleasant Streets; thence running northerly by the center line of Pleasant Street to a point at the intersection of the center lines of Pleasant and Federal Streets; thence running easterly by the center line of Federal Street to a point at the intersection of the center lines of Federal and Elm Streets; thence running northeasterly in a straight line to a point at the top of the Winchester Court steps and the center line of Winchester Court, such point being 320 feet southeasterly from the center line of Prospect Street and Winchester Court; thence running southeasterly by the center line of Winchester Court to a point at the intersection of the center lines of Winchester Court and Spring Street; thence running southwesterly by the center line of Spring Street to a point at the intersection of the center lines of Spring and Main Streets; thence running easterly by the center line of Main Street to a point at the intersection of the center lines of Main Street, Eastern Avenue and East Main Street; thence running easterly and southerly by

the center line of East Main Street to a point, such point being the northwesterly boundary extension of No. 239 East Main Street and about 430 feet northerly of the intersection of the center lines of East Main Street and Gerring Road; thence running northwesterly by the southwesterly boundary of No. 239 East Main Street to a point on the Harbor Commissioner's line; thence running northeasterly, northwesterly, northeasterly, northwesterly, northerly, westerly, southwesterly, southerly, southwesterly, northwesterly, westerly, southerly, southeasterly, southwesterly and northwesterly to the point of beginning, such Harbor Commissioner's line as more particularly shown on a plan entitled Gloucester Harbor, Mass., from a survey made for the Harbor Commissioners by A. Boschke, C. E. dated 1865 and as amended in red lines, on file in the city engineer's office.

(Code 1970, § 4-1)

Cross reference(s)--Fire prevention and protection, Ch. 8.

Sec. 5-18. Statute relating to lodging houses adopted.

The state building code is amended by adopting section M.G.L.A. c. 140, § 22, relating to lodging houses.

(Code 1970, § 4-46)

Sec. 5-19. Inspection of buildings erected on pilings.

The building inspector shall, every three (3) years, inspect all pile-supported buildings. If it is determined that there is a risk that the building may fail to comply with the state building code, the building inspector shall order the owner of the building to have the building inspected within fourteen (14) days by a structural engineer. The structural engineer's report shall be submitted to the building inspector within thirty (30) days following his or her inspection.

Upon receipt of the report, the building inspector shall order the owners to make repairs, recommended by the engineer within thirty (30) days. Failure to submit a structural engineer report within forty-five (45) days of receipt of the building inspector's order to do so shall be a violation of this section. Failure to make the recommended repairs within thirty (30) days of the building inspector's order to do so shall also be a violation of this section.

The building inspector may have the property owners plans reviewed by an independent structural engineer. The cost of this service would be at the expense of the property owner.

(Ord. No. 77-1998, § I, 2-17-98)

Sec. 5-20. Demolition of buildings.

Prior to issuance of a demolition permit, the applicant shall obtain all required approvals from the conservation commission, board of health, fire department, or department of public works as may be necessary.

(Ord. No. 66-2000, § I, 6-27-00)

Secs. 5-21--5-24. Reserved.

DIVISION 2. MOVING OF BUILDING

Sec. 5-25. Supervision by director of public works.

The moving of any building in any public street or way shall take place under the direction of the director of public works.

(Code 1970, § 4-58)

Cross reference(s)--Department of public works, § 2-280 et seq. **Sec. 5-26. Permit required.**

(a) No person shall move a building in a public street or way of the city, without a permit so to do granted by the licensing commission. The application for such permit shall state the location of the building to be moved, its length, width, height and the material of which it is constructed, and the location of the lot on which it is proposed to be placed. It shall definitely describe the route over which the building is to be moved, the length of time required to move the same, and whether it will be necessary to remove any shade trees or branches thereof.

(b) The application for a permit under this section shall be accompanied by the written consent of the director of public works to place the building on the lot proposed, together with a certificate from the director that the building has been examined and is in proper condition for removal, and also a certificate from the director approving the described route.

(c) The city clerk, as clerk of the licensing commission, shall sign and issue the permit required by this section. The clerk shall keep a record of all permits so issued.

(Code 1970, § 4-56)

State law reference(s)--Moving buildings in public way, M.G.L.A. c. 85, § 18.

Sec. 5-27. Bond or insurance required.

No person shall move or carry a building through the streets of the city without first giving a bond to the city in the sum of not less than one hundred thousand dollars (\$100,000.00), with two (2) or more sureties, one of whom shall be the owner of the building, to save harmless and indemnify the city from all damages which may occur by such moving. Any such bond shall be satisfactory to the licensing commission before the permit required by this article is issued. In lieu of such bond, a liability insurance policy approved by the mayor may be posted.

(Code 1970, § 4-57)

Sec. 5-28. Cutting or removing trees.

The consent of the director of public works shall be obtained before any shade trees are removed, or the branches cut or trimmed, by any person moving a building pursuant to this article.

(Code 1970, § 4-59)

Cross reference(s)--Trees and shrubs, § 24-15 et seq.

State law reference(s)--Municipal authority to trim, cut or remove shade trees obstructing moving of buildings, M.G.L.A. c. 87, § 5.

Sec. 5-29. Interference with fire alarm telegraph.

The consent of the city electrician shall be obtained before any wires of the fire alarm telegraph are cut or removed by any person moving a building pursuant to this article.

(Code 1970, § 4-60)

Cross reference(s)--Fire prevention and protection, Ch. 8.

Secs. 5-30--5-39. Reserved.

ARTICLE III. ELECTRICAL REGULATIONS*

***Cross reference(s)**--Fire prevention and protection, Ch. 8.

Sec. 5-40. Compliance with Massachusetts Electrical Code required.

The city electrician shall require that the rules and regulations of the current edition of the Massachusetts Electrical Code, Form FPR-11, shall be complied with, both for outside and interior construction.

(Code 1970, § 7-6)

Cross reference(s)--City electrician, § 2-135 et seq.

Sec. 5-41. Permits for electrical work generally.

No person shall change the position or make additions to any wiring system, or install any new work or electrical apparatus, without first obtaining a written permit from the city electrician, giving him full opportunity to inspect the same before any such work is completed.

(Code 1970, § 7-3)

Sec. 5-42. Permits for power and lighting connections.

In no case shall a current of electricity be connected with a system of wiring or apparatus intended to be used for power or lighting without permission being first obtained and a written permit granted by the city electrician.

(Code 1970, § 7-4)

Sec. 5-43. Permit for concealed wires.

When any electric wires designed to carry any electric light or power current are to be concealed, a written permit must be obtained from the city electrician, and he shall give written permission and approval for all such work and connections immediately, unless in his judgment any such apparatus or wiring endangers life or property or is not in accordance with the laws of the commonwealth and the ordinances of the city.

(Code 1970, § 7-5)

Sec. 5-44. Fees for electrical work.

(a) The following electrical fees shall be assessed by the city:

(1) *Residential, new construction:*

a. Complete buildings, new: one dollar fifty cents (\$1.50) per thousand based on the estimated total construction cost as stated in owner's building permit as issued by the inspector of building's office.

b. Additions to residential building: Same as subsection (1)a.

(2) *Reserved.*

(3) *Commercial and industrial:*

a. New construction, building permit issued:

Two dollars and fifty cents (\$2.50) per thousand up to \$200,000.00.

One dollar (\$1.00) per thousand for estimated cost above \$200,000.00.

b. Additions to building permit issued: Same as subsection (3)a.

(4) Concerns employing a licensed electrician or hiring electrical contractors for repair and maintenance work only, on their premises, \$50.00 per annum.

(5) *Services:*

a. Residential.

100--200 Amps. (1--3 meters) . . . \$20.00

100--200 Amps. (over 3 meters) . . . 20.00

(\$5.00 per additional meter)

201--600 Amps (1--3 meters) . . . 40.00

203--600 Amps (over 3 meters) . . . 40.00

(\$5.00 per additional meter)

b. Commercial.

100--200 Amps. . . . 30.00

201--600 Amps. . . . 40.00

Over 600 Amps. . . . 50.00

(\$10.00 per hundred amps. over 600 amps.)

(6) *General wiring (commercial and residential):*

Feeder and panel wiring . . . \$ 25.00

General outlet wiring . . . 15.00
Machine and motor wiring . . . 25.00
Temporary wiring . . . 15.00
Swimming pools . . . 25.00
Gasoline stations (complete) . . . 125.00
Gasoline pumps (each) . . . 25.00
Carnivals and shows . . . 100.00
Laundromats . . . 100.00
Complete fire alarms or security systems, residential . . . 25.00
Commercial . . . 75.00
Electric signs . . . 20.00
Furnaces . . . 15.00
Smoke detectors . . . 15.00
Appliances each . . . 10.00
(range, dryer, water heater, etc.) combinations (maximum) . . . 30.00
Electric heat, per 2,000 watt . . . 7.50
Siding permits . . . 15.00
Sewer ejector pump . . . 15.00
Well pump . . . 25.00

(7) *Reserved.*

(8) *Reinspection fee:* Twenty-five dollars (\$25.00) to be collected prior to inspection.

(b) All fees are non-refundable and shall be collected by the electrical inspection department. Work done without a permit is subject to double the permit fee. Ord. 02-23 Deleted, 6/25/2002)

NEW CONSTRUCTION AND ADDITIONS: (Building Permits Issued)

Residential: \$2.00 per thousand - based on estimated cost as stated on building permit

Commercial: \$3.00 per thousand - based on estimated cost as stated on building permit (up to \$200,000)
\$1.50 per thousand of estimated cost of building permit from \$200,000 and above

SERVICES:

Residential: 100 - 200 amps (1-3 meters) - \$30.00
over 3 meters - \$5.00 per additional meter
201 - 600 amps (1-3 meters) - \$50.00
over 3 meters - \$5.00 per additional meter
Commercial: 100 - 200 amps (1-3 meters) - \$40.00
over 3 meters - \$5.00 per additional meter
201 - 600 amps (1-3 meters) - \$50.00

over 3 meters - \$5.00 per additional meter
over 600 amps - \$60.00
\$10.00 per hundred amps over 600 amps

GENERAL WIRING (Residential and Commercial)

Minimum Fee - \$25.00
Annual Maintenance Permit - \$100.00
Feeder & panel wiring - \$25.00
General outlet wiring - \$25.00
Machine & motor wiring - \$25.00
Temporary wiring (Temp Service) - \$30.00
Swimming pools - \$25.00
Gasoline stations (complete) - \$125.00
Gasoline pumps - \$25.00
Carnivals & shows - \$100.00
Laundromats - \$100.00
Complete fire and/or burglar alarms - Residential - \$25.00
Commercial - \$75.00

Electric signs - \$25.00
Furnaces - \$25.00
Smoke Detectors - \$25.00
Appliances - \$10.00
(Range, dryer, water heater, etc.) Combinations \$30.00 max.
Electric heat - (per 2,000 watts) \$7.50 - \$25.00 minimum
Siding permits - \$25.00
Well pump - \$25.00
Sewer ejector pump - \$25.00
Re-inspection fee - \$25.00 (payable prior to inspection)

All fees are non-refundable and shall be collected by the electrical inspection department. Work done without a permit is subject to double the permit fee.
(Ord. 02-23, 6/25/2002)

(Code 1970, § 7-5.1; Ord. No. 15-1990, § I, 6-26-90; Ord. No. 60-1997, § II, 8-19-97)

Sec. 5-45. Interior wires, appliances, etc., to be safe; city electrician to have right of access.

All wires, appliances and apparatus in the interior of public buildings, or on private premises, which are intended for the transmission of electricity, either for insulation, lighting or power, or to be connected with an outside circuit, shall be made, placed and kept safe to the satisfaction of the city electrician, and the city electrician may, at all proper and reasonable times, have access to any such wires and apparatus.

(Code 1970, § 7-7)

Cross reference(s)--City electrician, § 2-135 et seq.

Secs. 5-46--5-60. Reserved.

ARTICLE IV. CONSTRUCTION OR RESTORATION

OF CITY-OWNED BUILDINGS

Sec. 5-61. Clerk of the works.

When a building committee is appointed pursuant to City Charter section 5-5, such a committee shall when necessary request the mayor to appoint either a city employee or a professional as clerk of the works.

(Ord. No. 15-1992, § I, 5-19-92)

Editor's note--Ord. No. 15-1992, § I, adopted May 19, 1992, provided for the addition of § 5-46 to Article IV. In keeping with the format of the Code, said section has been redesignated as § 5-61 by the editor.

Chapter 6 CEMETERIES*

***Editor's note**--An ordinance adopted Sept. 10, 1985, § I, deleted the existing cemetery chapter, §§ 6-1--6-3 hereof, which derived from Code 1970, §§ 5-1, 5-3; an ordinance of Mar. 18, 1982, § I(5-4); and an ordinance of Apr. 15, 1980, § I. Sections II through V of the Sept. 10, 1985 ordinance added provisions which have been included herein as §§ 6-1--6-4.

Cross reference(s)--Ordinances establishing prices for grave sites in any city-owned cemetery saved from repeal, § 1-7(7); power of department of public works pertaining to cemeteries, § 2-283.

State law reference(s)--Cemeteries and burials, M.G.L.A. c. 114, c. 272, § 70 et seq.

ARTICLE I. IN GENERAL

Sec. 6-1. Sale of lots and grave sites restricted.

- (a) The sale of burial lots and grave sites within city-owned cemeteries shall be limited to persons residing within the city.
- (b) Except lots and grave sites may be transferred or resold by the owner only under the following conditions:
 - (1) To the city for the original purchase price; or
 - (2) With the approval of the cemetery records clerk of the city-owned cemeteries, to a resident of the city or a member of the owner's family.
- (c) For purposes of this section, the term "family" shall include only spouse, parents, children, brothers and sisters.

(Ord. of 9-10-85, § II; Ord. No. 92-1998, § I, 7-7-98)

Sec. 6-2. Improvement fund for burial grounds/sale of lots.

- (a) All income, funds, gifts and donations to the city from the sale of burial lots and grave sites and for the improvement of the city-owned cemeteries shall

be deposited in the sale of lots fund. The funds may be used for improving, extending and purchasing city-owned cemeteries. Sale of lots is under the custody of the city treasurer.

(b) The city treasurer shall invest the sale of lots funds as directed by the board of commissioners of trust funds, and in accordance with state law.

(c) Grave site foundations as specified in the cemetery advisory committee's rules and regulations, are required.

(d) Income from the fees charged for the city opening and closing graves shall be deposited into the general fund.

(Ord. of 9-10-85, § III; Ord. No. 92-1998, § I, 7-7-98)

State law reference(s)--Deposits, investment of deposits for care and improvement of burial places or lots, M.G.L.A. c. 114, § 19; disposition of proceeds of sales of lots, M.G.L.A. c. 114, § 43C.

Sec. 6-3. Perpetual care and perpetual care endowment fund.

(a) All lots and grave sites in city-owned cemeteries shall include perpetual care. A one-time perpetual care fee is required for all lots and grave sites purchased and shall be paid at the time of purchase. Receipt of perpetual care funds shall be recorded by the department of public works in the records of said lots and grave sites.

(b) All funds obtained for perpetual care shall be deposited in the "perpetual care endowment fund" under the custody of the city treasurer, who shall keep a record of such fund and invest it, as directed by the board of commissioners of trust funds, and in accordance with state law.

(c) The earned income from the perpetual care fund may be collected quarterly by the director of public works and shall be expended annually for the perpetual care of all lots and grave sites. The principal of the perpetual care fund may not be used for perpetual care or for any other purpose.

(d) All donations for perpetual care above the required amount shall be deposited in the perpetual care fund account. These funds shall be used for the same purpose as the required perpetual care fee, and shall be expended in the same manner as stated in subsection (e) below. The donor of such funds shall be informed of this when the donation is offered to the city. All donations over five hundred dollars (\$500.00) must be accepted by the city council, as stated by law.

(e) Perpetual care is the maintenance provided by or through the City of Gloucester as periodic intervals for the grounds of lots or grave sites. This care includes the cutting, trimming, raking and cleaning of lots and grave sites. No foundation repair work or repair of sunken graves, slowing of grass, retopping of lots, resetting of overturned stones or similar functions shall be considered perpetual care.

(Ord. of 9-10-85, § IV; Ord. No. 92-1998, § I, 7-7-98)

Sec. 6-4. Visitors' conduct.

(a) No person or vehicle shall enter or remain in a city-owned cemetery for any purpose other than to attend a funeral; to view, visit or attend to a lot or grave; or for an authorized business purpose. Children under twelve (12) years of age shall not be permitted within the cemetery unless accompanied by an adult responsible for their supervision.

(b) Persons visiting a city-owned cemetery are prohibited from picking wild or cultivated flowers, disturbing any floral design, or writing upon, moving, damaging, rubbing, or defacing any memorial, monument, marker or fragment thereof, fence or other structure within cemetery grounds.

(c) No motor vehicle or bicycles shall be admitted to, or shall be operated in a city-owned cemetery, except as may be in attendance of funerals, transporting persons visiting or attending to lots or graves, or those present for authorized business purposes. No motor vehicle or bicycle shall be operated at a speed greater than fifteen (15) miles per hour. No privately owned recreational or snow vehicle shall be admitted to or shall be operated in a city-owned cemetery.

(d) Littering or disposing of rubbish in any part of a city-owned cemetery other than in a designated receptacle is prohibited.

(e) The following actions and activities are prohibited at city-owned cemeteries:

- (1) Loud or disruptive actions or noise;
- (2) Loitering on the grounds of the cemetery;
- (3) Bringing food or refreshments into the cemetery or consuming them on the grounds;
- (4) Peddling or soliciting the sale of any commodity or service within the cemetery;
- (5) Placing of signs, notice or advertisements of any kind within the cemetery, except by the city;
- (6) Bringing firearms into the cemetery except when brought by an official military escort accompanying a funeral or memorial service or used for a military burial service;
- (7) Lighting of fires;
- (8) Metal detectors are prohibited in city-owned historic burial grounds except by written permit from the historical commission and/or the historic burial grounds committee;
- (9) The practice of gravestone rubbing is prohibited in the city-owned historic burial grounds except by written permit from the historical commission and/or the historic burial grounds committee or the city cemetery clerk;
- (10) Alcohol and illegal drugs and consumption thereof are strictly prohibited in all city-owned cemeteries;
- (11) Dogs shall be prohibited in all city-owned cemeteries;

(12) No wildlife shall be disturbed, injured, or removed from city-owned cemeteries.

(f) Visitors to city-owned cemeteries shall not offer, and employees, agents and officials shall not accept, any gratuity.

(g) Penalties for violations of the above section shall be set at a minimum of fifty dollars (\$50.00) for the first violation with further violations to be up to three hundred dollars (\$300.00); with the exception of subsection 6-4(e)(11). Penalties for violation of subsection 6-4(e)(11) shall be in accordance with this Code of Ordinances, Chapter 4 entitled "Animals".

(Ord. of 9-10-85, § V; Ord. No. 23-1990, § I, 10-23-90; Ord. No. 92-1998, § I, 7-7-98)

Secs. 6-5--6-20. Reserved.

ARTICLE II. CITY-OWNED CEMETERIES ADVISORY COMMITTEE*

***Editor's note**--Ord. No. 34-1992, adopted Nov. 17, 1992, provided for the addition of Article II, §§ 6-5--6-8. In keeping with the format of the Code, these sections have been redesignated as §§ 6-21--6-24, as herein set out at the discretion of the editor.

Sec. 6-21. Established.

There is hereby established a city-owned cemeteries advisory committee.

(Ord. No. 34-1992, 11-17-92)

Sec. 6-22. Composition; appointment, terms of members.

The city-owned cemeteries advisory committee shall consist of five (5) members, all of whom shall be residents of the city, and two (2) nonvoting advisory members, who are engaged in either the funeral, florist, or monument business, all of whom shall be appointed by the mayor, subject to the approval of the city council to staggered terms of three (3) years. The committee shall choose a chairperson and a clerk who may be a member of the committee.

(Ord. No. 34-1992, 11-17-92)

Sec. 6-23. Powers and duties.

The city-owned cemeteries committee shall have the oversight of the budget relative to the management and maintenance of all city-owned cemeteries in the city, with the approval of the mayor and city council. The city-owned cemeteries committee shall advocate for the well-being of all city-owned cemeteries. The committee shall set the rates for sale of perpetual care of city-owned cemetery lots subject to the approval of the mayor and city council.

(Ord. No. 34-1992, 11-17-92)

Sec. 6-24. Regulations.

The city-owned cemeteries advisory committee may propose regulations relevant to the management of city-owned cemeteries subject to the approval of the mayor and adoption by the city council.

(Ord. No. 34-1992, 11-17-92)

Editor's note--Ord. No. 11-1994, adopted Aug. 9, 1994, revised the Cemetery Rules and Regulations as follows: (1) The height of memorials and monuments at all cemeteries, including West Gloucester (Lincoln Street) as it is presently known, is restricted to three feet; and (2) all memorials and monuments shall have poured foundations.

Chapter 7 ELECTIONS*

***Charter reference(s)**--Provisions relating to nominations and elections, section 8-1 et seq.; provisions relating to citizen initiative measures, section 9-2; provisions relating to referendum proceedings, section 9-3.

Cross reference(s)--Administration, Ch. 2.

State law reference(s)--Elections, M.G.L.A. chs. 50--57.

ARTICLE I. IN GENERAL

Sec. 7-1. Board of registrars of voters.

(a) There is hereby established a board of registrars of voters consisting of the city clerk and three (3) other persons, who shall be appointed by the mayor, with the approval of the city council, as provided in subsection (b). In February or March in every year one registrar shall be appointed for a term of three (3) years, beginning with April first following.

(b) The mayor shall make appointments to the board of registrars of voters so that the members of the board shall represent the two (2) leading political parties. Appointments shall be made such that the board membership, including the city clerk as a member, is comprised of at least one (1) but no more than two (2) members of the same political party. Every such appointment shall be made by the mayor from a list to be submitted to the mayor by the city committee of the political party from which the position is to be filled. The list submitted to the mayor shall contain the names of three (3) enrolled members of the party who reside in the city and who have been selected by a majority vote of the committee at a duly called meeting for which a quorum was present.

In the event the political party membership requirements, as stated herein, are met, in order that the mayor may appoint an independent voter to the board, the mayor shall then follow the requirements for appointments to city boards as set out in section 3-3 of the Charter.

(Code 1970, § 6-1; Ord. No. 13-1990, § I, 6-5-90)

Cross reference(s)--Boards, commissions, councils and committees, § 2-400 et seq.

State law reference(s)--Similar provisions, M.G.L.A. c. 51, § 15.

Sec. 7-2. Residence of candidates for public office and elected public officials.

(a) All candidates for election to any public office in the city shall be inhabitants of and duly qualified registered voters in the city as provided by M.G.L.A. c. 41 § 1 and by the city Charter sections 1-1, 2-1(b), and 10-9(m) and shall throughout the term of their office remain a registered voter whose domicile and residence shall be within the City of Gloucester as provided by M.G.L.A. c. 41 § 109. If an elected public official removes him or herself from the city the official shall be deemed to have vacated their office.

(b) For the purposes of section 7-2 the follow terms apply:

(1) *Residence* shall mean the individual's home as demonstrated by both their presence there and their intent to make it their home;

(2) *Inhabitant* shall mean that a person dwells or has his home there;

(3) *Removes* shall mean that the official is no longer an inhabitant of the City of Gloucester and no longer has his or her primary residence and home in the City of Gloucester and is no longer qualified to be a registered voter of the city.

(Ord. of 7-11-89)

Secs. 7-3--7-14. Reserved.

ARTICLE II. WARDS AND VOTING PRECINCTS*

***Cross reference(s)**--Ordinances describing the boundaries of the wards and precincts of the city saved from repeal, § 1-7(12).

State law reference(s)--Wards and precincts, M.G.L.A. c. 43, § 6, c. 54, § 1 et seq.

Sec. 7-15. Division of city into five wards.

In accordance with the authority vested in the city council by the general laws of the commonwealth and the Charter, the city is divided into five (5) wards.

(Code 1970, § 6-11)

Charter reference(s)--Authority to divide the city into five (5) wards, section 8-6.

Sec. 7-16. Boundaries of wards and precincts.

The boundaries of the various wards and precincts of the city shall be as shown on the records which are on file in the office of the city clerk.

(Code 1970, §§ 6-12--6-22)

Chapter 8 FIRE PREVENTION AND PROTECTION*

***Cross reference(s)**--Powers and duties of city electrician relative to fire alarms and police signals systems, § 2-136; buildings and building regulations, Ch. 5; establishment of fire district, § 5-17; interference with fire alarm telegraph by moving of buildings, § 5-29; electrical regulations, § 5-40 et seq.; reward for information resulting in arrests and conviction of arsonists, § 14-9; alarm system, § 14-26 et seq.

State law reference(s)--Fires, fire departments and fire districts, M.G.L.A. c. 48; fire prevention, M.G.L.A. c. 148.

ARTICLE I. IN GENERAL

Sec. 8-1. License for storing inflammables; fees.

(a) Upon application to the city council for a license to store inflammables, the applicant shall be responsible for payment of fees for advertising and postage for legal notices to all abutters.

(b) Upon approval of the application to store inflammable, the license fee therefor shall be one hundred dollars (\$100.00).

(c) The annual fee for renewal of certificate of registration shall be twenty-five dollars (\$25.00).

(Ord. of 7-13-82, § 1)

State law Licenses for storage of inflammables, M.G.L.A. c. 148, § 13.

Sec. 8-2. Permit for transportation, storage and use of explosives.

No person shall transport, store or use any explosives named in M.G.L.A. c. 148, § 9, within the city without a permit from the fire chief, acting as the agent of the state fire marshal.

(Code 1970, § 9-1)

State law reference(s)--Municipal authority to regulate explosives, M.G.L.A. c. 148, § 9.

Sec. 8-3. Public display of fireworks after 10:30 p.m.

No public display of fireworks shall commence or continue after 10:30 p.m. The fire chief, at the time when any display is scheduled, may extend this period for not more than one (1) hour in the event of inclement weather or on account of conditions which he might deem to be an emergency.

(Code 1970, § 9-2)

Cross reference(s)--Amusements, Ch. 3.

State law reference(s)--Sale, possession, use, etc., of fireworks, M.G.L.A. c. 148, § 39; permits for display of fireworks, M.G.L.A. c. 148, § 39A.

Sec. 8-4. Annual homecoming ceremonial bonfire.

The city council authorizes the fire department to issue annually a ceremonial bonfire permit to the school department in accordance with Massachusetts General Law, Chapter 111, Section 142H and State Fire Regulation 527 CMR 10.23 (1). The permit shall be requested in writing by the Gloucester High School Student Council after obtaining permission from the school principal and athletic director. The written request shall be forwarded to the fire chief not later than the last day of September prior to the bonfire. The bonfire will be held as part of the high school homecoming events in mid-October of each year.

(Ord. No. 133-1998, § I, 11-10-98)

Secs. 8-5--8-14. Reserved.

ARTICLE II. FIRE DEPARTMENT*

***Cross reference(s)**--Departments generally, § 2-260 et seq.; police officers not to be firefighters, § 17-19; authority of officers of fire department to direct traffic, § 22-21; right of way of fire engines, § 22-95; restrictions on use of ways upon approach of fire apparatus; crossing fire hoses, § 22-96; leaving vehicle unattended on private ways so as to block access to fire apparatus prohibited, § 22-152.

State law reference(s)--Provisions relating to fire departments in cities, M.G.L.A. c. 48, § 44A et seq.

Sec. 8-15. Established.

There is hereby established a department of the city to be known as the fire department.

Sec. 8-16. Composition.

The fire department shall consist of a fire chief, deputy fire chiefs, captains, mechanics, inspectors and firefighters, in accordance with commonwealth civil service law, and in such numbers as are provided by contract and approved by the city council.

(Code 1970, § 9-15)

Sec. 8-17. Appointments.

All appointments of the fire department shall be made by the mayor from the proper civil service list.

(Code 1970, § 9-16)

Sec. 8-18. Qualifications for firefighters.

- (a) All newly appointed firefighters are hereby required to be citizens of the United States and to reside in Gloucester within nine (9) months of their

permanent appointment date and for the duration of their employment as a City of Gloucester firefighter.

(b) Any firefighter of the fire department who shall fail to meet the requirements of subsection (a) may be discharged from the department in accordance with the provisions of civil service regulations and any applicable contract.

(c) All newly hired City of Gloucester firefighters shall attend the recruit training program at the Massachusetts Firefighting Academy with satisfactory completion of the recruit training program be a condition of employment. Completion of the program shall be, whenever possible, with the employees probationary period prescribed by MGL Chapter 31, Section 61. If a firefighter begins the recruit training program during the probationary period, the probationary period shall be suspended until the firefighter completes the program. If the probationary period would expire prior to the firefighter entering the academy, the mayor will make a written request to the personnel administrator to extend the probationary period until the program is completed.

(Code 1970, §§ 9-18, 9-23; Ord. No. 4-1992, § I, 2-11-92; Ord. 6-1992, § I, 2-18-92; Ord. No. 34-1995, § I, 6-13-95; Ord. No. 47-1995, § I, 11-14-95)

State law reference(s)--Qualifications of municipal firefighters, M.G.L.A. c. 31, § 58.

Sec. 8-19. Physical examination of firefighters.

All firefighters appointed to the fire department shall pass the physical examination required by the civil service department of the commonwealth, as well as a city physical.

(Code 1970, § 9-17)

State law reference(s)--Civil service provisions dealing with firemen, M.G.L.A. c. 31, § 58 et seq.

Sec. 8-20. Appointees must signify willingness to obey rules, etc.

Before becoming a firefighter in any capacity, any person so appointed shall signify his agreement to abide by the rules and regulations of the department and all laws laid down for firefighters by duly constituted authorities, and shall signify his willingness to carry out the duties and orders given him by the officers of the department.

(Code 1970, § 9-19)

Sec. 8-21. Firefighters to have motor vehicle operator's license.

Every person who shall become a firefighter shall be required to possess a valid Massachusetts motor vehicle operator's license.

(Code 1970, § 9-20)

Sec. 8-22. Military substitutes.

A military substitute shall be considered a firefighter, if appointed as a military substitute for a firefighter. Any such military substitute shall be entitled to all of the benefits and privileges and be subject to all the rules and regulations of the firefighter whose place he is taking for as long as he shall fill the position of such military substitute.

(Code 1970, § 9-26)

Sec. 8-23. Fire chief to act as forest warden.

The fire chief, in addition to his other duties, shall have, possess and exercise the powers and duties heretofore exercised by the forest warden.

(Code 1970, § 9-27)

Cross reference(s)--Officers and employees, § 2-40 et seq.

State law reference(s)--Forest wardens, M.G.L.A. c. 48, § 8 et seq.

Sec. 8-24. Aid to other cities, towns or fire districts.

The fire chief or, during his absence, one (1) of the deputy chiefs, or in the event of the absence of the fire chief and the deputy chiefs, the permanent captain who may at the time be in charge of the floor at the central fire station, shall have the authority to take both apparatus and firefighters to the aid of another city, town or fire district for the purpose of extinguishing fires therein. While in the performance of their duties in extending such aid, the firefighters shall have the same immunities and privileges as if performing the same within the city.

(Code 1970, § 9-31)

State law reference(s)--Municipal authority to provide aid to other cities, towns and fire districts, M.G.L.A. c. 48, § 59A.

Sec. 8-25. Destruction of buildings to prevent spread of fire.

Whenever it shall be determined by the fire chief or one (1) of the deputy chiefs, that it is necessary to pull down or demolish any building in order to prevent the spread of any fire, the authority is hereby vested in the chief or deputy chief so to do.

(Code 1970, § 9-32)

Secs. 8-26--8-39. Reserved.

ARTICLE III. FIRE PREVENTION CODE*

***Editor's note**--Provisions enacted by an ordinance adopted Oct. 2, 1979, have been included herein at the direction of the city within Art. III hereof. These provisions were formerly saved from repeal by Code § 1-17(11).

Sec. 8-40. Objectives.

Except as such matters that are otherwise provided for in or under federal, state, or municipal statute, ordinance or other by-law or for otherwise better merit therefor for a similar purpose as so described in section 8-41 of the code adopted hereby, this code shall prescribe regulations to achieve the objectives of the Fire Prevention Code.

(Ord. of 10-2-79)

Sec. 8-41. Adoption of the Fire Prevention Code.

There is hereby adopted by the Municipal Council of the City of Gloucester for the purpose of prescribing regulations governing, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code one (1) copy has been and is now filed in the office of the City Clerk of the City of Gloucester and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Gloucester and except in instances where specific references are made, the 1976 National Fire Code of the National Fire Protection Association shall be the standard for compliance to achieve the objectives of the Fire Prevention Code adopted herein.

(Ord. of 10-2-79, § 1)

Sec. 8-42. Establishment and duties of the bureau of fire prevention.

(a) The Fire Prevention Code shall be enforced by the bureau of fire prevention, which is hereby established, in the Fire Department of the City of Gloucester and which shall operate under the supervision of the chief of the fire department.

(b) A deputy chief shall be assigned in charge of the bureau of fire prevention. His assignment shall continue during good behavior and satisfactory service, and he shall not be removed except for cause.

(c) The chief of the fire department may detail such members of the fire department as inspector, as shall from time to time, be necessary.

(d) A report of the bureau of fire prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code; with such statistics as the chief of the fire department may wish to include therein; the chief of the fire department shall also recommend any amendments to the code, which in his judgement, shall be desirable.

(Ord. of 10-2-79, § 2)

Sec. 8-43. Definitions.

(a) Wherever the word "municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Gloucester.

(b) Wherever the term "corporation counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City of Gloucester.

(c) "Impact protection:" Where a structural member or a hazardous accessory to an occupancy is subject or may be subject to impact or collision damage from a moving object or other activity, protection shall be by corner guards adequate to provide full protection where applicable, or other substantial protection as approved by the bureau of fire prevention.

(Ord. of 10-2-79, § 3)

Sec. 8-44. Establishment of limits of districts in which storage of explosives and blasting agents is to be prohibited.

The storage of explosives and blasting agents is prohibited in Fire District One as set forth in the Building Code of the City of Gloucester.

(Ord. of 10-2-79, § 4)

Sec. 8-45. Reserved.

Editor's note--Ord. No. 114-1998, § I, adopted Aug. 3, 1998, repealed § 8-45 which pertained to establishment of limits of districts in which storage of flammable fluids in outside aboveground tanks is to be prohibited and derived from § 5 of an ordinance adopted Oct. 2, 1979.

Sec. 8-46. Establishment of limits in which bulk storage of liquefied petroleum gases is to be prohibited.

Bulk storage of liquefied petroleum gas is restricted in any area in the City of Gloucester not zoned for business or industrial use.

(Ord. of 10-2-79, § 6)

Sec. 8-47. Establishment of motor vehicle routes for vehicles transporting explosives and blasting agents.

The route referred to in Section 12.70 of the Fire Prevention Code for vehicles transporting explosives and blasting agents shall be established by the bureau of fire prevention upon written application for a permit to transport explosives or blasting agents in the City of Gloucester.

(Ord. of 10-2-79, § 7)

Sec. 8-48. Establishment of motor vehicle routes for vehicles transporting hazardous chemicals or other dangerous articles.

The routes referred to in Section 20.14 of the Fire Prevention Code for vehicles transporting hazardous chemicals or other dangerous articles shall be established by the bureau of fire prevention upon written application for a permit to transport hazardous chemicals or other dangerous articles in the City of Gloucester.

(Ord. of 10-2-79, § 8)

Sec. 8-49. Establishment of fire lanes on private or public property devoted to public use.

The fire lanes referred to in Section 28.16 of the Fire Prevention Code may be established upon written application made by the proper person stating the width and route of such lanes with specific description thereof.

(Ord. of 10-2-79, § 9)

Sec. 8-50. Amendments to Fire Prevention Code.

Amendment 1. Mechanical Refrigeration.

A. Scope and Purpose.

(a) Scope: This article shall apply to new and existing mechanical refrigeration systems employing a fluid which is vaporized and is normally liquefied in its refrigerating cycle, except; that existing systems not in strict compliance with this article, shall be permitted to continue and exist for a reasonable time specified here as, one year, from the date of order served by the fire prevention bureau to bring such system into compliance with this article. The provisions of this article are not intended to apply to the use of air or water as a refrigerant nor to refrigeration systems installed on railroad cars, motor vehicles or on shipboard.

(b) Purpose: This article is intended to provide reasonably safeguards to life, limb, health and property; to correct certain practices that are inconsistent with this purpose.

B. General Requirements. Except as otherwise provided, evidence that mechanical refrigeration is in accordance with the applicable standard, specified as, American Standard Association, Safety Code for Mechanical Refrigeration, ANSI/ASHRAE 15-1978 shall be evidence that such mechanical refrigeration is reasonably safe to persons and property. In any case where safeguards are governed by other authority or greater safeguard, the greater safeguard shall apply.

C. Permits.

(a) A permit shall be required for any system containing a refrigerant above the permissible amount for public assembly, institutional, residential and commercial occupancy as applicable by the Safety Code for Mechanical Refrigeration Standard, Section 6.

(b) A permit shall be required for all industrial occupancies, regardless of system of refrigerant and shall include storage occupancies, as separate or mixed occupancy.

D. Protective Masks. Protective masks as required by Section 13.9 and 13.9.1 of the Safety Code for Mechanical Refrigeration Standard, shall be specified as complete self-contained air breathing apparatus, approved by the U.S. Bureau of Mines, for minimum of thirty (30) minutes service under hard physical exertion.

E.

(a) Any industrial occupancy that keeps, stores or uses a refrigerant shall provide an independent system of mechanical ventilation, which shall be capable of removing from any refrigerating machinery room, the amount of air as specified in Table 7, Minimum Air Ducts and Openings, of the standard referred to in Section 11.13.4, Safety Code for Mechanical Refrigeration. In such occupancies having machinery rooms in basements or sub-basement, the mechanical ventilation system shall be operating continuously.

(b) Any machinery room containing a refrigerant classed as Group 2 or Group 3 as designated by the applicable standard, Safety Code for Mechanical Refrigeration, shall be provided with an automatic detection system, capable of continuous monitoring of general atmosphere; provide alarm service to occupants and to supervised alarm station; provide actuation of mechanical ventilation systems not operating continuously; to reduce the danger to life and property from excessive buildup of toxic or inflammable vapors in the controlled atmosphere.

(c) The inlet for mechanical ventilation system shall be located near the refrigerating equipment, at the level to be determined by the physical properties of the refrigerant used. The outlet of such mechanical ventilation system shall terminate outside the building in an approved manner and so maintained that such opening or duct area shall not decrease in size. Provisions shall be made for the inlet of air to replace that being exhausted.

(d) All wiring, electric apparatus and equipment shall conform with Class I, Division 2 installations as defined in the National Electrical Code, except as otherwise provided.

F. The municipal council hereby adopts the following list of standards and publications, as part of the Fire Prevention Code:

(a) ANSI/ASHRAE 15-1978, Safety Code for Mechanical Refrigeration.

Amendment 2. Fire Safety Code.

Article 11 of the American Insurance Association, Fire Prevention Code, 1976 edition adopted herein is deleted in its entirety. A new Article 11 is hereby added, as replacement, entitled "Life Safety Code." Section 11.1 of such new article shall be construed as though followed, by reference to, the code for safety to life from fires in buildings and structures commonly known as the National Fire Protection Association Standard 101, titled "Life Safety Code, 1976 edition.

Amendment 3. Fire Alarm.

A. The chief of the bureau of fire prevention shall survey each assembly, business, high hazard, educational, industrial, institutional, mercantile, storage and residential occupancy, except dwelling units of multi-family buildings and one or two family building or dwelling, per se, to

determine required fire protection equipment under any legal requirement. (See footnote.) * Specifications to set forth such protection, legal requirements, standard applicable that apply and all other data that may apply to such specifications, shall be furnished to applicants. The applicant shall furnish preliminary sets of plans, drawn to suitable scale as required, to the building and fire officials for approval. After acceptance of the preliminary plans, final sets of completed plans shall be filed with the aforementioned authorities. Where such protection as required by this article or other legal requirement, where the context allows, shall be construed as followed by the words "or part or parts thereof."

B. Fire Alarm Systems, Definitions.

(a) *Automatic fire alarm system:* A system which automatically detects a fire condition and actuates a fire alarm signal device.

(b) *Manual fire alarm system:* An alarm system composed of manual pull stations which when operated actuates a fire signal device.

(c) *Fire alarm box:* A device which when properly actuated will transmit to municipal fire alarm headquarters a signal indicating the location at which it is installed.

(d) All other definitions shall be from applicable standards designated for this section, which is hereby specified as National Fire Protection Association Standards, Number 71 to and include 74.

*(Footnote) As the above section relates only to the provisions titled "Fire Alarm," and it is the intent of the municipal council within passage of the Fire Prevention Code Ordinance, that adequate protection and service be provided to the public, it is hereby stated that the above excepted or excluded residential or dwelling units shall continue to be inspected, as has been the fire department's policy in the past, but only as relates to fire or life safety features and upon proper request made by any person(s) generally the occupant, the owner or a combination of both in certain instances. Such request for inspection shall be made to the chief officer on duty or to the fire prevention bureau, both located at Fire Headquarters, 8 School Street, phone 283-2424.

C. Common Requirements.

(a) Complete information regarding such system shall be submitted for approval to authorities having jurisdiction, i.e., fire prevention bureau, building department and city electrician.

(b) All devices, equipment, systems and installations shall be approved for the purpose for which they are intended.

(c) Upon completion of a system, a satisfactory test shall be made in the presence of authorities having jurisdiction.

(d) All systems shall be under the supervision of qualified persons satisfactory to the authority having jurisdiction. Records of

tests and other operation of the system shall be kept by that person having supervision and such records shall be open to examination by authority having jurisdiction.

(e) The method of supplying power to a system shall be subject to the approval of authority having jurisdiction. In instances where such system is connected to a central or other supervisory service or into a municipal system, it shall be of such design, capacity and reliability to assure continuous operation and prevent accidental alarm transmission in cases where normal power supply is interrupted.

(f) Automatic design systems for alarm transmission via telephone installation to municipal emergency fire alarm telephone shall be prohibited. Any such system in service at the adoption of this article shall be removed within thirty (30) days.

(g) Any fire alarm system transmitting a signal directly to municipal fire headquarters shall be connected to an alarm panel as directed by the bureau of fire prevention, with the cost of installation and maintenance to be borne by the subscriber.

D. Buildings Requiring Fire Alarm.

(a) All new or converted buildings three (3) or more stories or exceeding fifty (50) feet in overall height; any pier or wharf and their accessory buildings or structures having twenty-five thousand (25,000) or more square feet of constructed area thereon; and building or structure where other legal requirements so require.

(b) Any system required under the above paragraph shall be installed and maintained as an automatic fire alarm system. When required by the authority having jurisdiction, manual pull stations shall connect to an annunciator capable of indicating the zone from which the alarm was initiated and when so required by such authority shall connect to an approved supervisory service.

(c) Exception may be granted by the authority having jurisdiction when such protection is provided by approved automatic sprinkler system.

E. Permits Required.

(a) A permit shall be required for the installation of all fire alarm systems and/or signal devices necessary by legal authority.

(b) No such system or device shall jeopardize the operation and function of the municipal system.

Amendment 4. Precaution Against Fire General.

Fire Fighter Safeguard From Electrical Hazard. Where required by the bureau of fire prevention, for safety to life from electrical hazard, a shunt trip for disconnect purposes shall be installed in an approved location. Approved location as designated

herein shall mean approved by building, electrical and fire authorities. Actuation device or method therefor shall be standardized where and when ever possible within the city.

(Ord. of 10-2-79, § 10)

Sec. 8-51. Modifications.

The chief of the bureau of fire prevention shall have power to modify any provisions of the Fire Prevention Code upon application made in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the intent of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief of the fire prevention bureau thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(Ord. of 10-2-79, § 11)

Sec. 8-52. Appeals.

Whenever the chief of the bureau of fire prevention shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant is permitted to appeal from the decision of the chief of the bureau of fire prevention to the chief of the fire department within ten (10) days of the decision. Any decision of the chief of the fire department may be appealed to the Fire Marshal of the State of Massachusetts not later than ten (10) days following the act but only in so far as the appeal presents a direct question of fire or explosion, otherwise as the appeal presents a direct question of relation to the municipal building code provisions, to the municipal board of appeals.

(Ord. of 10-2-79, § 12)

Sec. 8-53. New materials; processes or occupancies which require permits.

The building inspector, the chief of the fire prevention bureau and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new material, processes or occupancies, which shall require permits in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall post such a list in a conspicuous place in his office and distribute copies thereof to interested persons.

(Ord. of 10-2-79, § 13)

Sec. 8-54. Penalties.

- (a) Any person who shall violate any of the provisions of the code hereby adopted, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the chief of the

fire department, state fire marshal, zoning board or by a court of competent jurisdiction, within the time affixed herein, shall for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than twenty dollars (\$20.00). The imposition of any penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time, and when not so otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

(Ord. of 10-2-79, § 14)

Sec. 8-55. Repeal of conflicting ordinances.

(a) All former ordinances or parts thereof conflicting or inconsistent with the provisions of this article or of the code hereby adopted are hereby repealed.

(b) Specific reference is hereby made to the City of Gloucester Ordinance of September 2, 1965, an ordinance creating a Fire Prevention Code, prescribing regulations governing conditions hazardous to life and property from fire or explosion, and establishing a bureau of fire prevention and providing officers therefor and defining their powers and duties.

(Ord. of 10-2-79, § 15)

Sec. 8-56. Validity.

The Municipal Council of the City of Gloucester hereby declares that should any section, paragraph, sentence or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the municipal council that it would have passed all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declares invalid.

(Ord. of 10-2-79, § 16)

Sec. 8-57. Savings clause.

Nothing in this article hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this article.

(Ord. of 10-2-79, § 17)

Sec. 8-58. Date of effect.

This article is subject to the approval of the mayor and shall become effective on and after thirty-one (31) days from the date of ordainment.

(Ord. of 10-2-79, § 18)

Chapter 9 TRASH, RECYCLING AND LITTER*

***Cross reference(s)**--Power of department of public works pertaining to garbage, refuse and waste, § 2-283; demolition of pier, wharf or buildings along the waterfront, § 10-84; unlawful deposits in harbor and related tidal waters, § 10-85.

ARTICLE I. IN GENERAL*

***Editor's note**--Ord. No. 115-1998, § I, adopted Aug. 3, 1998, repealed the former Art. I, §§ 9-1--9-10, and enacted a new Art. I as set out herein. The former Art. I pertained to similar subject matter and derived from Code 1970, §§ 10-12--10-16, 10-19, 10-23--10-26, and 10-28.

Sec. 9-1. Definitions.

Appliances - refrigerators, ranges, dishwashers, water heaters, freezers, air conditioners, washing machines, dryers, dehumidifiers, and trash compactors, that were originally intended for residential dwelling application. (Ord. 04-06 5/25/2004)

Automotive Recyclables - Tires (no including large truck tires), motor oil (not contaminated with any other liquid, dirt or leaves), oil filters car and boat batteries. (ord. 5/25/2004)

CRT's - Cathode Ray Tubes- are the leaded glass picture tubes found in televisions, computer monitors and video games . Ord. 04-06 5/25/2004)

Commingled collection shall mean collection program in which residents are required to place glass, metal, and plastic containers in recycling receptacle.

Composting shall mean recovering discarded organic materials for processing into a soil amendment, fertilizer and/or mulch.

Corrugated cardboard shall mean paper in which a portion has been made to have wavy surface (ridges and grooves) and is placed between to flat surfaces for the sake of strength and is commonly used to form cartons.

Flattened paper board - cereal boxes, other non-corrugated boxes. (Ord. 04-06 5/25/02004)

Glass shall mean unbroken clean jars and bottles, but not including: dishes, ceramics, plate glass and flat glass (commonly known as window glass), pyrex, light bulbs, drinking glasses, crystal and mirrored glass.

Hard and Soft cover books - (With hard covers removed) (Ord 04-06 5/25/2004)

Litter shall mean any waste material which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to public health, quality of life, safety and welfare.

Newspapers, magazines and junk mail shall mean advertisements, newspapers, and comics. Magazines include all periodicals and catalogs. "Junk mail" as used herein shall include materials received in the mail which are made of paper.

Park shall mean and include park, reservation, playground, beach, recreation center or other public area in the city, owned or used by the city and devoted to active or passive recreation.

Plastic containers shall mean PET polyethylene terephthalate, HDPE High Density Polyethylene, plastics 1 and 2 only. Containers used for packaging soda, milk, juices, drinks and water, but not including oil or any other hazardous materials with a chemical residue.

Private premises shall mean and include any yard, grounds, walk, driveway, porch, steps, dock, wharf or mailbox belonging to or appurtenant to any dwelling, house, building or other structure.

Public place shall mean and include any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Recyclables shall mean glass containers, plastics 1 and 2, "junk mail", newspapers, clean corrugated cardboard, and tin/steel cans.

Recycling shall mean any method, technique or system authorized to process or treat discarded materials so that its components, materials or substances may be beneficially used or reused.

Tin/steel cans shall mean tin and steel food cans, cleaned and flattened or nested if desired, but not included are paint cans or any product with a hazardous chemical residue.

Trash shall mean material considered worthless, unnecessary or offensive that is usually thrown away. Generally defined as dry waste material, but in common usage it is a synonym for garbage, rubbish or refuse, but not to include recyclables or yard waste.

Vehicle shall mean every device in, or upon which any person or property is or may be transported or drawn upon a highway, or public way.

Yard waste shall mean vegetation that includes grass clippings, leaves, twigs, branches, brush (including Christmas trees), weeds and all organic material that can be composted but not including railroad ties or other yard related materials that has been treated with chemical preservatives.

(Ord. No. 115-1998, § I, 8-3-98)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 9-2. Trash/recycling containers.

(a) Trash should be placed in a private container for collection by a contractor who holds a permit for the collection of trash from the board of health,

except however, any owner of a building with four (4) or more residential units shall provide private weekly trash collection for that building. Ord. 01-38 Deleted 10/9/2001)

(a) Trash should be placed in a private container for collection by a contractor who holds a permit for the collection of trash from the board of health, except however, any owner of a building with **five (5)** or more residential units shall provide private weekly trash collection for that building. (Ord. 01-38 10/9/2001)

Any such container should be constructed of metal or plastic and shall be covered at all times to prevent trash from being scattered. Approved containers shall be placed curbside no later than 7:00 a.m. on the day of collection.

(b) Homeowners and tenants will be required to clean up immediately all trash/recyclables spilled on the ground due to torn bags or overturned containers.

(c) Trash/recycling receptacles shall not be put out for collection before 4:00 p.m. the day proceeding the day of collection and shall be removed from curbside location and returned to their proper place on the same day of collection.

(d) The City of Gloucester shall provide each resident with one (1) recycling container per residential unit which receives municipal trash pick-up. Residents of each premise shall:

(1) Take proper care to protect such container from misuse, loss or damage.

(2) Recycling container must remain with the premises for use by subsequent when unit is vacated.

(3) Residents are responsible for the replacement of containers which are lost, or damaged beyond normal wear and tear. The City of Gloucester is not obligated to replace lost, stolen or damaged containers. Residents may purchase a replacement or additional bin from the DPW business office.

(Ord. No. 115-1998, § I, 8-3-98)

Sec. 9-3. Independent trash haulers; permits.

(a) All persons collecting trash in the City of Gloucester shall obtain a permit from the board of health.

(1) Trash hauling permit shall be valid for one (1) calendar year, renewable annually on the first day of January subject to review and approval from the board of health.

(2) No permit shall be transferable except with approval from the board of health.

(3) Any application which fails to include all information requested in the board of health regulations shall be deemed incomplete and shall be denied.

(4) As part of the application, each applicant shall submit to the board of health a list of customers served, time of day and frequency of collection, tons of solid waste and recyclables handled on a regular basis.

(b) Each permittee shall provide recycling services in compliance with the Commonwealth of Massachusetts Solid Waste Plan and DEP regulations. Each permittee shall submit monthly reports listing the tonnage of refuse and recyclables that has been collected. Said report shall include a list of customers served, time of day and frequency of collection, and a process for resolving residential complaints or permit violations. All permitted haulers are required to provide weight slips or vendor receipts to document tons of recyclables collected and trash collected. Said report shall be submitted to the department of public works beginning one (1) month from the application approval date and continuing each month during which the applicant holds a valid permit. Failure to provide this required information may result in a revocation, suspension of the permit.

(c) Any member of the board of health or its agents or DPW director or designated person shall enforce this section. Any violation of the ordinances, the department of environmental protection regulations or of the Massachusetts General Laws by the permittee shall be grounds for suspension, modification or revocation of the permit.

(Ord. No. 115-1998, § I, 8-3-98)

Sec. 9-4. Transportation of trash.

(a) No person shall transport in any truck or other vehicle, or in any other manner, through public streets of the city to which the public has access, or over any land owned or controlled by the city, trash, boxes, barrels, or other containers of merchandise or discarded material of any kind or description, consigned to any destination, unless the same is conveyed or transported in a truck, vehicle or other manner entirely covered or enclosed so that material cannot escape while being transported. Any such material shall be transported in an entirely enclosed truck, vehicle or otherwise, being transported shall be covered by a canvas, or a covering of similar nature securely fastened so as to prevent the material from escaping from the truck, vehicle or other wise onto the streets, sidewalks, ways, public land or private property.

(b) It shall be the duty of every person transporting any such materials to stop and recover the same, in the event of any escape or loss thereof, irrespective of the cause of escape or loss.

(Ord. No. 115-1998, § I, 8-3-98)

State law reference(s)--Permit required for transportation of garbage, M.G.L.A. c. 111, § 31A; municipal authority to regulate removal of garbage, M.G.L.A. c. 111, § 31B.

Sec. 9-5. Leaf and yard waste composting program.

(a) Yard waste shall not be mixed with any household waste or trash nor any hazardous or toxic material.

(b) Yard waste shall not be set out with regular trash for collection. It may be composted on the property on which it was generated or it may be transported to

the municipal composting facility or any approved private composting facility at the owner or occupant's expense.

(c) Yard waste delivered to the designated location of the municipal composting facility at a designated location shall have any bag or container removed prior to depositing such bag or container at the facility.

(d) A schedule for leaf and brush collection or municipal composting facility opening shall be determined by the DPW director and public notice will be given.

(e) Any person shall bring leaf and yard waste into the composting facility.

(Ord. No. 115-1998, § I, 8-3-98)

Sec. 9-6. Unlawful use of litter receptacles.

No person shall deposit household trash in public litter receptacles.

(Ord. No. 115-1998, § I, 8-3-98)

Sec. 9-7. Duty to maintain private property free of litter.

(a) The owner or person in control of any private property shall, at all times, maintain his premises free of litter so that the same does not constitute a danger to the public health, safety and public welfare. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(b) The board of health, or its agents, police officers, building inspector, or DPW director is hereby authorized and empowered to request the owner of any open or vacant private property within the city or agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Any such request shall be by registered mail, addressed to the owner at his last registered address.

(Ord. No. 115-1998, § I, 8-3-98)

Sec. 9-8. Littering prohibited.

(a) No person shall throw or deposit litter in or upon any street, sidewalk or other public place in the city.

(b) No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or any litter from any public or private sidewalk or driveway.

(c) No person shall throw or deposit litter on any occupied private property within the city, in such a manner that it tends to create a danger to the public health, safety and welfare, whether owned by such person or not except the owner or person in control of private property may maintain private receptacles for collection, as authorized by this article. Litter will be prevented from being carried or deposited by the elements from any such occupied private property, to the street, sidewalk or other private place or upon any private property.

(d) No person shall throw or deposit litter on any open or vacant private property within the city, whether owned by such person or not, so that the same shall create a danger to the public health, safety and welfare.

(Ord. No. 115-1998, § I, 8-3-98)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

State law reference(s)--Littering in or near public highways, M.G.L.A. c. 270, § 16.

Sec. 9-9. Dismantled, wrecked, etc, motor vehicles.

No person in charge or in control of any real estate within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked or junked motor vehicles to remain on his property longer than sixty (60) days, without a valid state inspection sticker issued and displayed in accordance with the requirements of the general laws of the Commonwealth. This section shall not apply to a vehicle in an enclosed building, nor to a vehicle on the property of a lawful business or farming enterprise necessary to such operation, nor to motor vehicles at the place of business of a holder of a class license under M.G.L.A. c. 140.

This section shall be enforced by the building inspector or by police officers.

(Ord. No. 115-1998, § I, 8-3-98)

Cross reference(s)--Junk dealers, antique dealers and dealers in used goods, § 19-15 et seq.

Sec. 9-10. Penalty for violation of section 9-8.

Upon finding violation of section 9-8, the district court shall fine the violator according to the severity of the violation of up to three hundred dollars (\$300.00) for each offense.

(Ord. No. 115-1998, § I, 8-3-98)

Cross reference(s)--Penalty for violation of sections 9-1 and 9-9, § 1-15.

Sec. 9-11. Mandatory Recycling

Regulations for Curbside Collection of Recyclable Material

Mandatory Recycling

A. Purpose and Goal - The goal of this ordinance is to promote recycling in the City of Gloucester and to comply with state mandated waste bins and to assist in cost reduction for residential waste collection.

B. Separation of recyclable Material from Trash - Each residential unit which receives municipal waste disposal services shall separate recyclables from their trash. Recyclables are defined in Section 9-1; which includes but is not limited to: Newspapers, magazines, junk mail, glass, plastics, tin/steel, corrugated cardboard, CRT's, appliances and automotive recyclables.

No recyclables shall be placed in the same container as trash. All trash and recyclables shall be set out for collection in accordance with Section 9-2 of this Ordinance.

If it is determined that there is more than negligible quantities of recyclable materials in trash set out for collection, the trash may be deemed rejected for collection and left uncollected.

Trash that has not been separated for recyclable material and deemed rejected for collection shall be considered litter and subject the owner to a fine of not more than \$300.00 if it is not removed from the curbside within 24 hours. (Ord. 04-09 6/22/2004)

Secs. 9-12--9-19. Reserved.

ARTICLE II. RESERVED*

***Editor's note**--Ord. No. 153-1999, § I, adopted March 16, 1999, repealed Art. II in its entirety. Art. I, §§ 9-20, and 9-30--9-35, pertained to dumping areas and derived from 10-1, 10-39--10-42, 10-45 and 10-46; section 1 of an ordinance adopted Oct. 2, 1975; section I of an ordinance adopted Nov. 13, 1984; and section I of an ordinance adopted Aug. 4, 1987.

Secs. 9-20--9-35. Reserved.

Chapter 10 WATERWAYS ADMINISTRATION*

***Editor's note**--Ord. No. 17-1993, adopted Dec. 14, 1993, amended former Ch. 10, Arts. I--III, relative to the harbor and related waters, in its entirety to read as herein set out. The substantive provisions of former Ch. 10 derived from Code 1970. Sections 4-3, 101/2-17--101/2-25, 101/2-27, 101/2-29, 12-8, 12-18--12-21, 16-14, 16-16; and ordinances of Dec. 6, 1977; Jan. 10, 1978; Nov. 4, 1979; Feb. 3, 1983; Oct. 28, 1986; Aug. 4, 1987; Dec. 22, 1987; July 19, 1988; and April 4, 1989.

Cross reference(s)--Marshlands, Ch. 12; shellfish, seaworms and eels, Ch. 20.

State law reference(s)--Waterways, M.G.L.A. c. 91; provisions relating to Gloucester harbor, M.G.L.A. c. 102, §§ 3, 4; harbors and harbormasters, M.G.L.A. c. 102, § 17 et seq.

ARTICLE I. MANAGEMENT

Sec. 10-1. Waterways board.

The purposes of the waterways board is to provide a broad-based citizen management organization that guides the use and development of Gloucester's

waterways and public waterfront facilities. The waterways board shall be the city body which establishes policies and regulations for Gloucester's waterways. It is intended that the board adopt clear, concise and fair policies and regulations that promote improved access to the water for all citizens, including commercial fishermen, business owners and recreational boaters. In cooperation with the harbormaster and other city staff, the board is intended to ensure that our waterways are well planned and maintained, utilized to the maximum extent possible, safe, and reflect positively upon the City of Gloucester.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-2. Composition and term.

(a) *Composition.* The Gloucester Waterways Board shall consist of seven (7) citizens of Gloucester, appointed by the mayor and confirmed by the city council. The appointees shall include three (3) persons who are directly involved with the fishing industry, two (2) persons who are recreational boaters, and two (2) persons, at large, who need not be involved with any marine-related activity. The board shall observe Robert's Rules of Order, shall annually select a chairman from its membership and establish its rules of procedure. The board shall have non-voting advisory members, as set forth in section 10-4 herein.

(b) *Term.* The term of all members shall be three (3) years except that the initial terms shall be staggered so that the terms of no more than three (3) members shall terminate in any one year. If a member resigns or is removed for any reason before his or her term expires, the mayor shall appoint a replacement within one (1) month of the vacancy. Said appointment must be confirmed by the city council. Members of the waterways board and its standing committees shall be volunteers who are not compensated.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-3. Authority and responsibilities.

The Gloucester Waterways Board is hereby empowered, and authorized to:

(a) Promote implementation of the City of Gloucester Harbor Plan, dated 1992, and, in cooperation with the appropriate city bodies, amend said plan from time-to-time as circumstances warrant;

(b) Establish policies, rules and regulations for the use of Gloucester's waterways and waterfront facilities, including but not limited to, mooring areas, public launch ramps, public landings, and public marinas;

(c) Recommend to the city council fee schedules for moorings, launch ramps, slips at public marinas, and other waterfront public facilities and a schedule of fines for violation of waterways rules and regulations;

(d) Oversee the operation and maintenance of all public launch ramps and related facilities, the public Lobster Marina at St. Peter's Square, and all other public marinas, landings, floats or access ramps;

(e) Review and oversee the work programs, budget, staffing, training, effectiveness, management techniques and policies of the harbormaster's office and related city staff;

- (f) Work cooperatively with the harbormaster's office and related city staff on harbor management issues, enforcement of waterways rules and regulations and waterways development projects;
- (g) Review all waterfront development projects or zoning changes and report its findings and recommendations to the mayor, city council or other relevant board. The waterways board may required drawings, plans or other supporting documentation from project proponents for its review;
- (h) Act as the policy liaison between the City of Gloucester and the Army Corps of Engineers, U.S. Coast Guard, the State Department of Environmental Protection, the Massachusetts Office of Coastal Zone Management and other government agencies concerned with waterways;
- (i) Work with the harbormaster's office and related city staff to plan, design and undertake new projects such as dredging, mooring fields and access facilities;
- (j) Plan and encourage the development of signage and facilities for transient boaters and promote Gloucester as a well-equipped and hospitable port-of-call;
- (k) Work cooperatively with the harbormaster's office, police and fire departments, environmental police and other public safety agencies to ensure that Gloucester's waterways policies, rules and regulations and operating practices will protect the rights and property of waterways users and waterfront land owners, while maximizing public safety;
- (l) Delegate any of its responsibilities to a standing committee, the harbormaster or other staff person assigned by the mayor;
- (m) Investigate new sources of revenue for waterways management and development.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-4. Standing committees.

- (a) *Designation.* There shall be three (3) advisory standing committees of the waterways board, appointed by the chairman; a waterways safety committee; a public facilities committee; and an operations and finance committee. The committees shall review, research, investigate and make recommendations on matters referred to them by majority vote of the full board. The committees shall send their reports and recommendations only to the full board which shall review them and take appropriate action. The harbormaster shall be an ex-officio member of each committee. Every member of the board except the chairman shall be on at least one standing committee, and each committee shall elect its own chairman.
- (b) *Waterways safety committee.* This committee may be referred any matter dealing with: enforcement of boating laws and regulations; other law enforcement activities including the need and nature of police patrols during various times of the year and during special waterfront events; fire prevention and suppression needs; hazardous materials, emergency medical services; hazards to navigation; rules and regulations regarding use of the city's waterways; city ordinances

dealing with the waterways or waterfront; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; the police and fire chiefs or their designees; and a representative of Coast Guard Station--Gloucester.

(c) *Public facilities committee.* This committee may be referred any matter dealing with moorings; public launch ramps, including Dun Fudgin; public landings; public marinas, including the Lobster Marina at St. Peter's Square; signage; public access, including but not limited to, walkways to the water, access ramps and floats and dinghy floats, sewage pump-out facilities, waste oil recycling facilities; harbormaster floats and offices; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; an advocate of public landings appointed by the mayor; the director of public works, or his designee; and a member of the tourist commission.

(d) *Operations and finance committee.* This committee may be referred any matter dealing with harbor planning, design, engineering or construction; budgets; intergovernmental relations; the harbormaster's office, including but not limited to, staffing, training, vessels and equipment, work and education programs; fees and fines; and any other matter deemed appropriate by the board. This committee shall consist of: two (2) members of the board; a member of the fisheries commission and a member of the city council.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-5. Relationship to the harbormaster and city staff.

(a) The waterways board shall work cooperatively with the harbormaster and other assigned city staff to implement the City of Gloucester Harbor Plan, as amended, and pursue the policies and goals of the board. In addition, the harbormaster and the board shall work together closely to ensure that the harbormaster's office is efficient, effective, and fair to all waterway users through review of work programs, plans operating procedures and budgets.

(b) The waterways board shall work cooperatively with the harbormaster and other assigned city staff including police officers, such that the following duties are performed by the designated official or employee.

(1) *Harbormaster:*

- a. Operate, maintain, manage equipment and vessels assigned (harbormaster boat).
- b. Assign and oversee moorings.
- c. Coordinate with and report to waterways board--Meetings, staff, grants, etc.
- d. Operate and manage public launch ramps, landings, marinas and other public waterways facilities around the city.
- e. Gather information and make recommendations relative to the harbor--Commissioner's line, Chapter 91, permits, CZM regulations and other waterways issues.

- f. Promote Gloucester as a hospitable port of call--Provide information to visitors, provide water transport as directed by the mayor.
- g. Manage and maintain a harbormaster's office.
- h. Report to the mayor on administrative matters; report to board on policy matters.

(2) *Police department:*

- a. Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.
- b. Operate, maintain and manage equipment and vessels assigned (police boat/fire boat).
- c. Investigate, prosecute criminal activity on waterways and waterfront in cooperation with other members of the Gloucester Police Department and other law enforcement agencies, USCG, etc.
- d. Make arrests on water.
- e. Report to the chief of police.
- f. Assist the fire department, US Coast Guard with fire prevention and suppression, law enforcement, hazardous materials investigations and emergency medical services.
- g. Check on lobster violations under the city ordinance and State Laws. Enforce MGL Chapter 130, Sections 31, 17, 18, 18a, 39, 41, 41a, 43, 44--Marine fisheries laws: Destruction of weir-fish trap; lobster and crab licenses; markings on buoys--exhibition of license; display of license numbers and buoy colors; hours of tending traps; taking of female lobsters with eggs; possession of short lobsters.
- h. Check properties on islands not accessible from land.

(3) *Joint duties:*

- a. Enforce waterways laws, ordinances and rules and regulations (MGL Chapter 40, Section 21D (Fines and Ticketing) and Gloucester Code section 1-15 and MGL Chapter 90B, Sections 1--19 (Motorboats and other vessels) and other enforcement per MGL Chapter 102, Sections 17--28 (Shipping and Seaman, Harbor and Harbormasters).

Police: Plus all other applicable city and state laws.

- b. Patrol city waterways.

Police: Enforce all Massachusetts laws.

- c. Respond to emergencies within scope, training and resources.

d. Operate, maintain and manage equipment and vessels assigned (police boat/fire boat--police; harbormaster boat--harbormaster).

e. Coordinate with other agencies and assist within scope, training and resources.

f. Observe water quality, assist appropriate agencies.

g. Assist in keeping navigation channels clear, keep harbor free of debris.

Harbormaster: Primary responsibility.

h. Patrol major events to promote and protect public safety--Fiesta, 4th of July, Schooner Races, etc.

Police: Other occasions as directed by chief of police.

i. Issue citations on water.

j. Enforce the BWI, make arrests and bring complaints to court.

(Ord. No. 17-1993, 12-14-93; Ord. No. 21-1995, § I, 3-7-95)

Cross reference(s)--Police duties and joint duties concerning harbor management, § 17-1.

Secs. 10-6--10-19. Reserved.

ARTICLE II. ENFORCEMENT

Sec. 10-20. Harbormaster appointment, qualifications and authority.

((a) *Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed annually by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council. Ord. 02-50 Deleted 11/12/2002)

The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

(a) *Appointment.* In accordance with M.G.L.A. c. 102, § 19, the harbormaster shall be appointed for a term of three (3) years by the mayor after joint interviews and consultation with the waterways board, and confirmed by the city council. (Ord. 02-50, 11/12/2002)

The mayor shall fix the compensation of the harbormaster after an annual performance review conducted by the board and the mayor or his designee. The harbormaster shall report to the mayor on administrative matters and to the waterways board on policy matters.

(b) *Qualifications.* The harbormaster shall possess the following skills, knowledge or experience: small boat handling in heavy weather; navigation; rules of the road; waterways laws, rules and regulations and their enforcement; budget preparation; and staff management. Desirable skills or knowledge include water

safety and life-saving; marine fire prevention and suppression; emergency medical care at the EMT level; waterfront construction techniques; the waterways permitting process; waterfront facilities management; water pollution control techniques and grant writing.

(c) *Authority.* The harbormaster shall have all authority set forth in: the Massachusetts General Laws, including but not limited to Chapters 102, 90B and 91; the Code of Massachusetts Regulations; applicable federal laws and regulations; and the City of Gloucester Code of Ordinances.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-21. Fines.

The harbormaster and assistant harbormasters shall have the authority to enforce any section of this chapter by way of the ticketing procedures set forth in Massachusetts General Laws, c. 40, § 21D and Gloucester Code of Ordinances, Section 1-15. Each day of violation shall constitute a separate offense.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-22. Responsibilities.

The harbormaster shall be responsible for the following tasks unless otherwise assigned by the mayor;

- (a) Enforce all laws, ordinances and rules and regulations within the authority set forth above;
- (b) Patrol all waterways within the city's jurisdiction during the entire year with more intense patrolling from May first to November first, and provide a continuous radio watch during patrol hours;
- (c) Respond to all emergencies on Gloucester's waterways, and provide all reasonable assistance within the scope, training and resources provided;
- (d) Operate, maintain and manage vessels and related equipment used for harbor patrols;
- (e) Assign and oversee all moorings in the city's waterways;
- (f) Cooperate with, and report to, the waterways board and its committees by: attending all board meetings; providing staff, technical support and advice; preparing reports and other documents, including budget proposals and grant applications; representing the commission; and enforcing the board's policies, rules and regulations;
- (g) Cooperate with other boards, commissions and other departments, including but not limited to, the Fisheries, Conservation, and Tourist Commissions, and the Community Development and Public Works Departments;
- (h) Assist the Gloucester Fire Department, U.S. Coast Guard and other relevant agencies with fire prevention and suppression, law

enforcement, hazardous materials, investigations and management, and emergency medical services by providing technical and staff assistance, sharing information, joint training, and the loaning of vessels and equipment for operations or investigations;

(i) Operate and manage the maintenance of all public launch ramps, public landings, public marinas and other public waterways facilities owned by the City of Gloucester;

(j) Observe the water quality of all waterways, take immediate steps to stop or contain pollution on an emergency basis, notify appropriate government agencies, and enforce all relevant city ordinances;

(k) Monitor and clear navigation channels and prevent encroachments beyond the harbor commissioner's line;

(l) Promote Gloucester as a hospitable port-of-call for transient boaters by advertising the city's facilities, welcoming visiting boaters, and providing them with directions, technical assistance and advice as they operate on the city's waterways;

(m) Conduct educational programs that teach all boaters safe boating practices, rules of the road, hazardous areas of local waters, and the value of Gloucester's waterways.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-23. Relocation of vessels.

(a) *Harbormaster's authority.* The harbormaster may station and regulate all vessels in Gloucester waterways and may remove any vessel to new location, or cause it to be so removed, if in his or her judgement any one of the following circumstances exists:

(1) If the vessel is improperly or illegally moored as described in section 10-51 herein;

(2) If a vessel occupying a berth at a wharf or pier is not removed within a reasonable period after notice from the owner of said wharf or pier to the master or owner of said vessel, and wharf or pier owner makes a complaint to the harbormaster; and

(3) If a vessel not discharging cargo or receiving cargo or services stands in the way of another vessel waiting to carry out any of these activities and the master or owner of the latter vessel complains to the harbormaster.

(b) *Removal at expense of owner.* The harbormaster may, at the expense of the master or owner thereof, cause the removal of any vessel which is not moved when directed by him or her. Upon the neglect or refusal of any such master or owner to pay on demand the expense of such removal, the harbormaster may recover the same from the master or owner in contract for use of the city. If the master or owner of the vessel cannot be found or located within the jurisdiction of the harbormaster, the harbormaster may proceed in rem directly against the vessel.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-24. Harbormaster's office.

(a) *General.* There shall be a division within the city named the harbormaster's office. It shall be managed by the harbormaster and assist in the carrying out of his or her duties as well as those of the waterways board. The harbormaster's office shall have an annual operating budget and shall prepare an annual report. The harbormaster shall ensure that all staff members are adequately trained for their jobs, especially those that include boat operation.

(b) *Permanent staff.* The harbormaster's office shall have a small, permanent staff to assist in the operation and maintenance of records, boats, equipment, and public facilities.

(c) *Seasonal staff.* The harbormaster's permanent staff may be augmented by seasonal personnel who may be used for such tasks as safety patrols, launch ramp operation, mooring fee collection, and maintenance and repairs.

(d) *Assistant harbormasters.* In accordance with M.G.L.A. c. 102, § 19, the mayor, upon the recommendation of the harbormaster, may appoint permanent or seasonal staff as assistant harbormasters. Such assistants shall be subject to the direction and control of the harbormaster and shall have all authority given to, and be subject to all the duties required of harbormasters, assistant harbormasters shall receive no stipends.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-25. Budgeting.

The annual budget of the harbormaster's office shall include all operating expenses of the waterways board such as legal advertising. The budget shall be developed by the harbormaster in consultation with the operations and finance committee of the waterways board and shall be approved by the full board before it is transmitted to the mayor. The board shall assist the harbormaster at budget reviews by the mayor and city council. The budget shall not exceed the projected revenues of the Waterways Enterprise Fund.

The harbormaster, in consultation with the public facilities committee of the waterways board, shall prepare and submit project descriptions, justifications and budgets to the capital improvements advisory board for any applicable waterway project to be funded by the Waterways Enterprise Fund. The waterways board shall assist the harbormaster during project reviews.

(Ord. No. 17-1993, 12-14-93)

Secs. 10-26--10-39. Reserved.

ARTICLE III. WATERWAYS FUNDING

Sec. 10-40. Waterways enterprise fund.

(a) *Creation.* In accordance with M.G.L.A. §§ 5(72) and 39K, there shall be a Waterways Enterprise Fund. Said fund shall be used to support the operations of the waterways board and all waterways management and enforcement activities, including the purchase of equipment, the planning, design and construction of public waterways facilities, such as mooring fields, ramps, piers and pump-out facilities. The fund shall have two (2) distinct accounts each of which shall receive a portion of the receipts listed in section 10-40(d) herein.

(b) *Waterways management account.* Funds from this account shall be used for management and enforcement operating expenses as well as for equipment and repairs which do not have to be included in the city's capital improvements program. The funds from this account shall be managed by the mayor in cooperation with the waterways board and harbormaster.

(c) *Waterway improvements account.* Funds from this account shall be used for purchase of vessels, large equipment and the planning, design, construction or major repair of any public waterway facility. As required, expenditures from this account shall be included in the city's capital improvements program. This account shall be managed by the mayor in cooperation with the waterways board and harbormaster.

(d) *Receipts.* The Waterways Enterprise Fund shall receive the following receipts: mooring fees, both annual and transient; dockage and slip fees from public marinas, launch ramp fees; all boat excise taxes; fines; and any other income derived from public waterways facilities including dedicated grants or gifts.

(Ord. No. 17-1993, 12-14-93)

Secs. 10-41--10-49. Reserved.

ARTICLE IV. MOORINGS, PUBLIC LANDINGS AND PUBLIC MARINAS

Sec. 10-50. Definitions.

In construing the provisions of this article, the following words shall have the meanings given below unless a contrary intention clearly applies:

(a) *Gloucester waterways:* All tidal waters within the boundaries of the city, its harbors, bays and coves, and the whole of the Annisquam River and its outlets, coves and bays;

(b) *Harbormaster:* That city official duly appointed in conformance with section 10-20, herein;

(c) *Public landing:* Any area including uplands, ramps, floats, wharfs, piers, parking areas and water that has been set aside by the city for the landing of vessels to discharge or take on passengers or supplies, or for the launching of vessels, and for public access and recreation as set forth in M.G.L.A. c. 88, § 14;

(d) *Mooring:* A relatively permanent arrangement of an anchor, chain and floating buoy to which a vessel may be tied for extended periods;

- (e) *Permittee*: A person to whom a permit has been granted for landing or mooring;
- (f) *Public waters*: All waters beyond the mean low water mark;
- (g) *Recreational vessel*: A vessel used for personal, non-commercial enjoyment, recreation or sport;
- (h) *Recreational boater*: An individual who owns and/or operates a recreational vessel;
- (i) *Vessel*: Shall include ships, boats, steamers, barges, or any other type of watercraft powered or under sail or tow, as well as such floating structures as buoys and rafts;
- (j) *Vessel length*: for the purposes of determining the amount of the mooring fee, the length overall (LOA) of a vessel exclusive of bowsprits, main boom, and boomkins. For the purposes of mooring assignments, the length shall include bowsprits, main boom and boomkins.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-51. Regulation of moorings.

(a) *Regulations*. The waterways board shall make regulations regarding the application process, size, type, construction and placement of all moorings within Gloucester waterways. All moorings shall be placed under the direction of the harbormaster and are subject to inspection by the harbormaster prior to their initial placement and at intervals of three (3) years.

(b) *Permits*. No person shall establish a mooring within Gloucester waterways without first obtaining a permit from the harbormaster to do so. Mooring permits shall be renewable each calendar year.

(c) *Applications*. Applications for new permits shall be submitted between January 1 and April 15, on numbered forms provided by the harbormaster. Applicants shall be placed on waiting lists by location preferred, in order of the of their receipt. The harbormaster shall keep the waiting lists updated and shall post them publicly at the harbormaster's office and at the city clerk's office.

(c) The Harbormaster shall keep the waiting list updated and shall post the lists(s) publicly at the harbormaster's office and at the city clerk's office. (Ord. 04-14 DELETE 08/10/04)

(c) *The Harbormaster shall keep the waiting lists updated by requiring applicants to file before December 31st of each year his/her annual renewal to maintain his/her position on the waiting lists.*

The fee for such renewals shall be \$10.00. Failure to timely file the annual renewal shall result in the applicant's removal from the waiting list, ,provided however that an applicant may, prior to March 1st of the following year request reinstatement to his/her previous position on the waiting lists by filing with the Harbormaster a request for reinstatement together with a late fee of \$50.00 for a total of \$60.00.

The Harbormaster shall publicly post the waiting lists at the Harbormaster's Office and shall file a copy of same with the City Clerk's Office on April 30th of year. (Ord. 04-15 8/10/04)

(d) *Types of moorings.* The harbormaster may issue permits for three (3) types of moorings:

Personal moorings for sole use by the single vessel of an individual and his or her immediate family;

Public moorings which may be approved by the waterways board for public purposes; and

Transient moorings which may be used by waterfront businesses or yacht clubs for transient vessels.

(e) *Fees.* The fee for each type of mooring shall be established by the city council. Fees for personal moorings shall be charged by the length of vessel at the rate of three dollars (\$3.00) per foot for Gloucesternon-residents. The fee for transient moorings shall be two hundred dollars (\$200.00) each. A daily fee of twenty dollars (\$20.00) shall be charged every vessel that utilizes a public mooring, used for transient boats, operated by the harbormaster. Ord. 02-16 Delete 4/16/02)

(e) *Fees.* The fee for each type of mooring shall be established by the city council. Fees for personal moorings shall be charged by the length of vessel at the rate of four dollars (\$4.00) per foot for Gloucester residents and taxpayers and at the rate of six dollars (\$6.00) per foot for non-residents. The fee for transient moorings shall be two hundred (\$200.00) each. A daily fee of twenty-five dollars (\$25.00) shall be charged every vessel that utilizes a public mooring, used for transient boats, operated by the harbormaster. Fee for 10A Float Permits shall be in the amount of \$50.00 per season. (Ord. 02-16 4/16/2002)

(e) *A completed renewal application by each mooring permit holder shall be returned to the Harbormaster's office before February 28th of each year. Failure to do so will result in the mooring permit being revoked.*

However, such mooring holder may request reinstatement of such permit by filing a completed renewal application, including the regular fee per foot, plus a late fee of \$50.00, prior to May 31st of that same year. (Ord 04-15 ADDED TO ORIGINAL LANGUAGE OF (e) 8/10/04)

(f) *New mooring areas.* The waterways board may, after a public hearing, designate new mooring areas. Moorings in those areas may be installed, maintained and operated by the harbormaster's office or by private businesses under license from the waterways board. The selection process for private operators shall include requests for proposals by the waterways board, submission of proposals and bids in conformance with M.G.L.A. c. 30B, and review of proposals and bids consistent with that law.

(g) *Public chart.* The harbormaster shall maintain a chart which clearly indicates the location, permittee, LOA of each moored vessel, and number of

moorings in Gloucester's waterways. A copy of this chart shall be publicly posted in the harbormaster's office and in the city clerk's office.

(h) *Suspension and revocation.* A mooring permit may be suspended or revoked by the harbormaster whenever, in his or her opinion, the vessel and/or mooring unduly threatens the safety of the mooring area or the reasonable use of that area by other vessels. Placing a mooring at a location other than that specified on the mooring permits will be grounds for revocation. Any person aggrieved by the action of the harbormaster in denying, revoking, suspending or imposing restrictions on a mooring permit may appeal the harbormaster's decision to the State Division of Waterways, provided the person files application for such appeal within thirty (30) days after receiving notice of the harbormaster's decision. Failure to fully pay vessel excise taxes for the previous fiscal year(s) shall be grounds for suspension or revocation;

(i) *Violations.* Whenever the harbormaster considers a mooring to be in violation of harbor regulations or to be a hazard to navigation, he or she may, after due notification of the owner, in person or by registered mail to the address of record, order the removal of the mooring, together with any vessel attached to it, to a new location. Such action may be taken without notification to or reply from an owner only, if in the determination of the harbormaster, the owner cannot be contacted within seventy-two (72) hours or if emergency conditions required immediate action. Any expenses incurred in the removal or relocation of such mooring or any damages resulting shall be the responsibility of the owner. Floats, rafts and moorings held by anchors or bottom moorings, if installed in the public waters of the city without permission from the harbormaster, shall be considered a public nuisance, and may be removed by the harbormaster at the expense of the owner in the event he or she fails to remove same after notice in writing.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-52. Use of public landings.

(a) *General use.* All public landings, along with the ramps and floats attached thereto, shall be used primarily for the landing of people from vessels, the docking of vessels while people are alighting or boarding, and by persons tying their vessel thereto while making purchases ashore. Public landings shall also provide public access for passive recreational activities. Where public landings have no floats, vessels may be pulled up on shore for the purposes set forth above. Parking areas at public landings shall be for the exclusive use of landing users unless otherwise designated by the waterways board.

(b) *Tie-up period.* No owner nor anyone else in charge of or operating a vessel of any description, shall use the head of any float moored or attached to any public landing for any greater period of time than ordinarily and reasonable required to load or unload the passengers or occupants of any such vessel, together with whatever merchandise might accompany or be in the possession of the persons or passengers alighting therefrom. In no case shall any vessel be tied to the head of a public landing float for more than thirty (30) minutes except by permission of the harbormaster. However, dinghies, tenders and other auxiliary vessels less than twelve (12) feet in length, used by mooring holders or transient boaters, may be tied up at the sides of undedicated floats at public

landings for up to four (4) hours while the owners thereof are purchasing goods and services. No such auxiliary vessel shall block the head of a float or interfere with permitted activities.

The harbormaster may permit the seasonal tie-up of dinghies, tenders or other auxiliary vessels less than twelve (12) feet in length at portions of any public landing so designated by the waterways board, provided that the fee set forth below has been paid. Such permitted vessel shall be marked by an official sticker on their transoms.

(c) *Conducting business or soliciting.* It shall be unlawful for any person to conduct any business, including vending on or from a public landing. The sale of tickets or the solicitation of passengers in any other manner for boat or fishing trips from any public landing is prohibited. However, any person operating a harbor sail, ferry, excursion vessel, vessel livery or party fishing vessel but maintaining a wharf headquarters or principal place of business elsewhere, may use a public landing as a point of call and may discharge or take on passengers. The vessels engaged in such ventures shall not lay at any float at a public landing longer than shall be ordinarily and reasonable necessary for their occupants, passengers or customers to board or alight therefrom, and shall not block or otherwise interfere with other permitted activities.

(d) *Other prohibited activities.* No person shall clean fish, or leave ropes, lobster pots, barrels, rocks, bricks, boards or any other material on any public landing, or launching ramps, floats or piers thereof, for longer than is reasonable necessary in the act of loading or unloading the same onto or from vessels, unless authorized by the harbormaster. No person shall load or unload lobster pots, bait, or other gear on or from any public landing, or floats, wharfs or piers thereof, except those designated by the waterways board. No vessels, vehicles or trailers may be stored on any public landing.

(e) *Encroachment.* No person shall encroach upon a public landing in any way.

(f) *Restrictions on hours.* Stone Pier and Long Wharf shall be closed to prohibit all activities between the hours of 10:00 p.m. and 4:00 a.m. Any use of this area between the prohibited hours shall constitute trespassing, a violation of City of Gloucester, Code of Ordinances, section 14-6. Any person who violates said ordinance shall be subject to arrest under City of Gloucester, Code of Ordinances, section 14-6 and/or fined pursuant to section 1-14, City of Gloucester, Code of Ordinances. The city will use reasonable and practicable means to inform the public of such curfew. Further, this section is not intended to conflict with or supersede the authority of the conservation commission or any rules enacted by them under their Massachusetts General Laws Chapter 40, Section 8C, Powers.

(g) *Fees.* The annual fee for the seasonal tie-up of dinghies, tenders or other auxiliary vessels, less than twelve (12) feet in length, at designated areas of public landings shall be fifty (\$50.00) dollars.

(Ord. No. 17-1993, 12-14-93; Ord. No. 16-1996, § J, 5-28-96; Ord. No. 6-1999, § I, 6-22-99)

Sec. 10-53. Use of public ramp at Dun Fudgin.

(a) *Fees.* The fees for launching vessels at the Dun Fudgin public access ramp shall be as follows:

Daily fee for all users except commercial boat haulers, per vessel launched . . . \$ 5.00

Season pass for any vessel up to and including 18' in length, per season . . . 35.00

Season pass for any vessel more than 18' in length, per season . . . 50.00

(Daily fee for commercial boat haulers, per vessel launched . . . 25.00 Ord. 02-17 Delete 4/16/2002)

(Daily fee for commercial boat haulers, per vessel launched . . . 50.00 (Ord. 02-17 4/16/2002)Ord. 03-25, Delete, 6/10/2003)

Daily fee for commercial boat haulers, per vessel launched . . . 35.00 (Ord. 03-25, 6/10/2003)

(Season pass for commercial boat haulers, per season . . . 250.00 Ord. 02-17 Delete 4/16/2002)

(Season pass for commercial boat haulers, per season . . . 500.00 (Ord. 02-17 4/16/2002)

Ord. 03-25, Delete, 6/10/2003)

Season pass for commercial boat haulers, per season . . . 350.00 (Ord. 03-25, 6/10/2003)

(b) Failure to pay fee as posted shall result in the issuance of a violation as specified in Sec. 10-21 and Sec. 1-15. (Ord. 03-25, 6/10/2003)

(Ord. No. 31-1997, § I, 3-4-97)

Sec. 10-54. Use of public marinas--Reserved.

Secs. 10-55--10-79. Reserved.

ARTICLE V. OTHER WATERWAY REGULATIONS

Sec. 10-80. Federal and state jurisdiction.

Nothing contained in this chapter shall be construed to conflict with the jurisdiction of the federal government with respect to enforcement of the navigation, shipping, anchorage, and associated laws of the United States, or any lawful regulation or law of the Commonwealth of Massachusetts and its agencies.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-81. Scuba and skin diving.

(a) *Driver's flag.* Scuba or skin divers within the Gloucester waterways shall display a diver's flag consisting of a white diagonal stripe on a red field not less than twelve by fifteen inches (12 X 15) in size. The flag shall be displayed upright on a float or similar device at a height sufficient to be seen by passing vessels. The diver shall trail this flag while submerged, unless the harbormaster grants permission to do otherwise, and shall surface within twenty-five (25) feet of the flag.

(b) *Distance from buoys.* The diver shall maintain a distance of at least twenty-five (25) feet and stay clear when vessels are hauling traps in the immediate area.

(c) *Prohibition.* The harbormaster may prohibit scuba or skin diving in areas within Gloucester waterways where such diving cannot, in the harbormaster's opinion, be carried out safely without undue inconvenience to vessel operations.

(d) *Beach regulations.* Scuba or skin divers must comply with beach regulations promulgated by the director of public works.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-82. Lobstering.

No lobstering by any method shall be allowed in designated mooring areas, or within the confines of harbor channels or travel lanes in and out of the city.(Ord. No. 17-1993, 12-14-93)

Sec. 10-83. Fishing vessels unloading fish.

Fishing vessels unloading fish, by use of open containers such as mesh or canvas baskets, at piers in the city, shall place a net of sufficient size and mesh between the vessel and the pier or wharf to prevent fish from falling into the harbor waters and polluting same.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-84. Demolishing a pier, wharf or building along the waterfront.

Anyone demolishing a pier, wharf or buildings adjacent to or extending into Gloucester's waterways shall install a boom around the pier, wharf or buildings for the purpose of containing debris, before commencing demolition. If said boom extends into navigable waters it shall display warning flags during daylight hours and warning lights during periods of darkness.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-85. Littering and pollution.

(a) *General prohibition.* No person shall throw or deposit, intentionally or otherwise, in Gloucester's waterways any litter, rubbish, filth, human waste, petroleum products, plastics, fuel or lubricating oil, fish oil or other greasy substance, dead animals or fish, fish waste, or any other foul or offensive substance. The term "litter" shall include, but not be limited to: bottles, glass,

cans, wood, trash, tires, scrap metal, junk, paper, garbage, tuna heads, trees, brush and grass clippings.

(b) *Discharge of oils.* No land-based concern or vessel shall discharge, intentionally or otherwise, in Gloucester's waterways oil in any of its forms: animal; vegetable; or mineral.

(c) *Pumping engine rooms and bilges.* No owner, operator or crew member of a vessel located in Gloucester's waterways shall pump overboard engine room bilge water or engine compartment bilge water containing petroleum products or throw overboard any crankcase or lubricating oil or petroleum products except in extreme emergencies such as to prevent a vessel from sinking.

(Ord. No. 17-1993, 12-14-93)

Sec. 10-86. Vessel operation.

(a) *Speed limit.* No vessel shall exceed five (5) miles per hour or cause a disturbing wake within the confines of mooring or anchorage areas and other areas posted by the harbormaster.

(b) *Swimming areas.* No person shall operate a power vessel including jet skis, within one hundred fifty (150) feet of any beach or swimming area without the permission of the harbormaster.

(c) *Water skiers, aquaplanes, etc.* No person shall operate a vessel towing water skiers, aquaplanes or similar devices within three hundred (300) feet of any beach or swimming area.

(d) *Operation near scuba or skin divers.* No person shall operate a power vessel in excess of three (3) miles per hour when within one hundred (100) feet of a diver or his flag or marker. No person shall operate a power vessel within fifty (50) feet of a diver or his flag or marker unless said vessel is being operated by a person identified with, working with, or rendering assistance to such scuba or skin diver.

(Ord. No. 17-1993, 12-14-93)

Chapter 11 HAWKERS AND PEDDLERS, AND TRANSIENT VENDORS*

***Editor's note**--Ord. No. 54-96, § I, adopted Dec. 10, 1996, amended former Chapter 11, §§ 11-1--11-10, in its entirety to read as herein set out. Former Ch. 11 pertained to similar subject matter and derived from Ord. of 8-5-83, §§ 23-1--23-9; Ord. of 4-11-89, § I; Ord. No. 24-1991, § I, 7-9-91; Ord. of 4-27-92, § I; Prior to the adoption of No. 54-96, uncodified Ord. Nos. 27-95, § I, adopted 4-18-95; and 44-95, § I, adopted 11-14-95 amended the chapter in its entirety.

Cross reference(s)--Sale, distribution of "silly string" prohibited, § 14-12; secondhand goods, Ch. 19; streets, sidewalks and other public places, Ch. 21.

State law reference(s)--Transient merchants, hawkers and peddlers, M.G.L.A. c. 101, § 1 et seq.

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

Hawker and peddler: A "hawker", "peddler", (or solicitor), is defined as any person who, for himself, or for another person, firm or corporation travels by foot, automobile, or any other type of conveyance, town to town or place to place in the same town, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise, or services including, but without limiting, the selling, distribution, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of any nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail, sample of the subject of such sale or whether he/she is collecting advance payment on such retail sales or whether he/she is soliciting contributions for any purposes.

Temporary or transient business: Shall be any exhibition, sale, rental, lease or services of goods, wares, or merchandise which is carried on in a tent, booth, building or other structure, unless such place is open for business during usual business hours for a period of at least twelve (12) consecutive months.

Transient vendor: For the purpose of this chapter, the words "transient vendor", shall mean any person, either principal or agent, who engages in a temporary or transient business in the commonwealth, selling goods, wares or merchandise either in one locality or traveling from place to place.

As used in this chapter "vendors" shall include hawkers and peddlers, transient vendors and persons who sell or offer for sale services including, but not limited to, face painting, photographers, etc.

(Ord. No. 54-96, § I, 12-10-96)

Cross reference(s)--Definitions and rules of construction, generally § 1-2.

State law reference(s)--Similar definitions, MGL c. 101, § 13.

ARTICLE II. HAWKERS AND PEDDLERS

Sec. 11-2. License/permit required.

No vendor shall sell goods, wares, merchandise or services, as prohibited by MGL c. 101, § 16. No vendor shall sell goods, wares, merchandise or services unless duly licensed by the director of standards of the commonwealth and/or permitted by the City of Gloucester Licensing Commission except for those articles permitted to be sold without a license under MGLA, c. 101, § 17.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-3. Local license/permit requirement for fixed vending locations; procedure to obtain.

(a) Anyone either principal or agent that sells from a fixed location and not licensed or required to be licensed under the definition in Chapter 101 MGL as a transient vendor or hawker and peddler must first procure a permit from the local

licensing authority for the sale of goods, wares, or merchandise allowed to be sold under the provisions of MGL, c. 101, § 16. Local permit is required for vendor holding only a state license.

(b) Applicants for a fixed location permit for those areas established by this chapter within the City of Gloucester, shall follow the sealed bid procedure, as outlined in paragraph (c). The cost for such permit shall be not less than two hundred dollars (\$200.00) annually with no maximum, established by the city council. Permits will be issued for seven (7) specific locations throughout the city, as approved by the city council. The city council shall have the right to adopt and implement further lawful regulations and restrictions consistent with this article.

(1) Prior to bidding for a fixed location, a vendor shall be required to provide proof of valid, current city license.

(2) Vendors shall disclose general scope of sales.

Approved permits and assigned locations shall be chosen by sealed bid procedure by the purchasing department, City of Gloucester on or before the first business day in February, 9:00 a.m., of each year.

(c) Sealed bid procedure will be as follows: Sealed bids will be submitted to the purchasing department, City of Gloucester, following public notice and from the first secular day in January to the last business day in January, each year. Further, all bids received to be opened by the purchasing department, will be accompanied by a certified or cashier's check in the amount of the bid, payable to the City of Gloucester. Unsuccessful bidders' checks will be returned immediately following the bid opening. The sealed bid will be date and time stamped in the purchasing department. The purchasing department will open the sealed bids and should there be a duplicate bid and duplicate date and time of submission, there will be a rebidding procedure among duplicate bidders within seven (7) days.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-4. Identification required.

All fixed vendors operating within the city shall be required to prominently display a laminated permit, obtained from the office of the city clerk, which provides the name and address of, and bears a recent photograph of permittee.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-5. Fixed vending; site specific locations (6).

(1) Washington Street--Ten

(2) Rogers Street--Ten (10) feet east of its intersection with Commercial and Washington Streets, with the exception of St. Peter's Fiesta weekend.

(3) Washington Street--Water side at Plum Cove Beach.

(4) & (5) Western Avenue--Water side between the intersection with Middle Street and the Public Landing east of Middle Street, two (2) sites.

((5) Western Avenue--Water side between the intersection with Middle Street and the Public Landing east of Middle Street, two (2) sites. Note: Deleted as a clerical error of duplication 5/30/02)

(6) Gentile Bandstand, Stage Fort Park, summer concerts and performances only, one (1) hour prior to and one hour after each performance with equipment removed after each event.

Measurements will be taken to ensure the locations are site, specific and all fixed vending sites will have a sign posted "vendor parking only". Should a fixed vendor location established under Chapter 11, section 5 be located in an area designated as a "no parking area", pursuant to Chapter 22, of these ordinances, the "no parking" prohibition shall not apply to that fixed vendor location.

(Ord. No. 54-96, § I, 12-10-96; Ord. No. 18-1999, § I, 8-10-99)

Sec. 11-6. Conduct of business.

All vendors shall be governed by the following restrictions:

- (1) No vendor shall cry his/her wares to the disturbance of the peace and comfort of the inhabitants of the city.
- (2) All vendors shall operate from carts which are neat and clean and do not leak. All food vendors operating mobile food units or push carts as regulated by 105 CMR 590.052 (I) shall obtain the board of health inspection/permit prior to any sales.
- (3) All vendors shall clearly and prominently post prices for all foods, beverages, goods, merchandise and services offered for sale.
- (4) No vendor shall sell goods, wares, merchandise or services from a fixed location on public or private land without the written permission of the owner of private land. Such written permission shall be produced upon request of the licensing commission, police, sealer of weights and measures or building inspector.
- (5) All hawkers and peddlers, except those permitted for a fixed location by the licensing commission under section 11-3, shall be moving at all times other than when servicing a customer. For vendors on foot or animal, moving shall be walking in a normal manner along a street, path or way with all goods, wares, merchandise or services. For vendors operating from vehicles, moving requires the vehicle to be driven along a street, path or way, stopping only to service customers and allow traffic to pass.
- (6) No one shall sell or offer for sale on any public street, way or public place in the city, within two thousand (2,000) feet of any school in the city, between the hours of 8:00 a.m. and 4:00 p.m. on days when the school of the city are in session.
- (7) Hawkers, peddlers and transient vendors shall provide suitable receptacles for the placement of any trash and litter that may be expected to result from the sale of their wares and shall remove said trash and litter.

(8) Each permit or license, fixed or moving shall be a person-specific permit or license.

(9) All permits and licenses shall be kept with the vendor in a visible location at all times.

(10) There shall be no sub-leasing of site specific vendor locations.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-7. Business prohibited between certain hours.

No vendor shall sell or offer for sale any goods, wares, services or merchandise, including publications, magazines, and books, or solicit subscriptions for publications, magazines, or books, in the city between the hours of 6 p.m. and 8:00 a.m. except that a duly licensed ice cream vehicle may sell or offer for sale any ice cream products from his/her vehicle in the city between the hours of 9:00 a.m. and 9:00 p.m. provided he/she shall not use any sounding device between the hours of 8:00 p.m. and 9:00 p.m.

(Ord. No. 54-96, § I, 12-10-96)

Cross reference(s)--Sale, distribution or use of Silly String prohibited, § 14-12; second hand goods, Ch. 19; street, sidewalks and other public places, ch. 21.

State law reference(s)--Hawkers and peddlers, MGL c. 101, § 13 et seq.

Sec. 11-8. Vendors prohibited upon certain streets, areas.

Vendors are prohibited from selling upon the following streets, and all public property including but not limited to parks, playgrounds, sidewalks, grassy areas and beaches within the City of Gloucester except at those fixed locations specified in section 11-5 of this chapter and special event locations approved in conformance with section 11-10.

Nautilus Road

Beach Road

Bass Avenue

Harbor Road

Hough Avenue

Salt Island Road

Witham Street

Rockport Road

Essex Avenue

Manuel Lewis Road

Centennial Avenue

Western Avenue

Rogers Street

Main Street
Pleasant Street
Prospect Street
Railroad Avenue
Washington Street
Lincoln Avenue
Elderly housing complexes
Beaches

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-9. Revocation and expiration of permit.

Any permit granted by the licensing commission under this section may be revoked by the commission for good cause after reasonable notice to the permittee and a hearing upon the grounds of the revocation. Any permittee who violates any provisions of this article on three (3) occasions shall be deemed to have provided sufficient cause for revocation of that permit. Unless sooner revoked, any permit granted by the licensing commission under this section shall be valid for the period or expiration of any permit, such permit, shall revert to the city licensing commission.

The police department shall have the authority to remove, shut down or arrest vendors who are in violation of Chapter 11 of the Code of Ordinances.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-10. Fixed vendors during special events; parades.

(a) Vending from fixed locations, other than those specified in section 11-5 of this chapter may be granted by the licensing commission, upon recommendations made by event organizers. Special events shall be designated with restricted vending areas based on public safety considerations. For the purpose of this article, special events shall be limited to:

- (1) Fishtown Horribles Parade.
- (2) St. Peters Fiesta Procession.
- (3) Labor Day fireworks.
- (4) First Night Celebration.
- (5) All annual city council approved events.

(b) No vending will be allowed on the Memorial Day Parade route.

(c) No vending will be allowed within three hundred (300) feet of a cemetery within the city during Memorial Day or other special observance ceremony.

(d) The licensing commission may recommend and approve additional special events, parades relevant to this section.

(e) Thirty (30) days prior to any event, the event organizing committee shall submit their list of fixed vending locations along with their specific permit to for the licensing commission for approval. Fixed locations shall be within the restricted areas relevant to the event as approved by the licensing commission.

(Ord. No. 54-96, § I, 12-10-96; Ord. No. 86-1998, § I, 3-31-98)

Sec. 11-11. Permit required; fee.

Permits will be issued to approved fixed vendors within the restricted areas of special events by the licensing commission. Fee for permit issued shall not exceed one hundred dollars (\$100.00). Permits shall be issued for the event/parade date and/or rain date only in each calendar year. Permits shall be issued for one vendor in one location and cannot be duplicated or transferred.

(1) Site specific vendor submitting photograph and application receives two (2) free badges. For each additional badge, the cost will be twenty-five dollars (\$25.00) per badge.

(2) Special event vendor submitting photograph and application receives one (1) free badge. For each additional badge, the cost will be twenty-five dollars (\$25.00) per badge.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-12. Special event permit fees for fixed vending locations.

Fees generated by the issuing of permits for fixed vending locations relating to special events listed in section 11-10, shall be paid directly to the events organizing/sponsoring committee for the event, subject to all limitations as stated in the vending ordinance or as shall be, at any time, enacted by the city council.

(Ord. No. 54-96, § I, 12-10-96; Ord. No. 85-1998, § I, 3-31-98)

Sec. 11-13. Books, magazines and other publications; licensing, registration required.

Before doing any business in the city, any hawker, peddler or transient vendor of magazines, publications, books, or magazine or book subscriptions must be duly licensed by the director of standards of the commonwealth. Furthermore, such a hawker, peddler or transient vendor must record his/her name and residence with the chief of police of the city and receive a record number and a solicitor residence with the chief of police of the city, which must be carried on his or her person at all times, in addition to any permits/licenses issued by the licensing commission or director of standards.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-14. Meats, butter, certain other food products; licensing.

(a) *Required; exception.* Before selling any meats, butter, cheese, fish and fresh fruit or vegetables, any hawker, peddler or transient vendor must either be duly licensed by the director of standards of the commonwealth or permitted by the licensing commission provided however, that this section shall not apply to

any person who peddles only fish obtained by his own labor or his family or to any person who peddles only fruits, vegetables or other farm products produced or raised by himself/herself or his/her family.

(b) *Qualifications of applicant; inspection, sealing of weighing, measuring devices.* The licensing commission shall have authority to grant a permit under this section to any person of good moral character. No such permit shall be issued until a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used have been duly inspected and sealed.

(c) *Fee; issuance.* Any permit issued by the licensing commission under this section shall be issued by and signed by the city clerk as clerk of the commission upon payment of a permit fee of fifty-four dollars (\$54.00). Every hawker, peddler and transient vendor, so permitted shall be assigned a number by the city clerk, who shall keep a record of all permits issued.

(d) *Revocation.* Any permit granted by the licensing commission under this section may be revoked by the commission for good cause after reasonable notice to the permittee and a hearing upon the grounds for revocation. The use, or possession with intent to use, by any person permitted under this section by the licensing commission, of any false or unsealed weighing or measuring device shall be sufficient cause for the revocation of that permit.

(e) *Expiration.* Unless sooner revoked, any permit granted by the licensing commission under this section shall expire one (1) year from the first day of March in each year.

(Ord. No. 54-96, § I, 12-10-96)

State law reference(s)--Municipal authority to permit such hawkers and peddlers, MGL c. 101 § 17; municipal authority to impose permit fee on hawkers and peddlers, MGL c. 101, § 22.

Sec. 11-15. Same--Inspection of products.

Any meats, butter, cheese, fish and fresh fruit or vegetables offered for sale by any hawker, peddler or transient vendor must be inspected by the board of health.

(Ord. No. 54-96, § I, 12-10-96)

Sec. 11-16. Same--Penalty for possession, use of unsealed or false weighing or measuring device.

Any hawker, peddler or transient vendor of any meats, butter, cheese, fish and fresh fruit or vegetables who use, or possesses with intent to use, any false, condemned or unsealed weighing or measuring device shall be subject to a penalty not to exceed fifty dollars (\$50.00) for each use or possession of a false or condemned measuring device and twenty dollars (\$20.00) for each use of an unsealed measuring device.

(Ord. No. 54-96, § I, 12-10-96)

Cross reference(s)--Weights and measures, Ch. 26.

Sec. 11-17. Temporary permits to sell articles for charitable purposes.

The licensing commission shall, under such conditions as it may deem proper, grant to any organization engaged exclusively in charitable work, or to a part of any incorporated organization of veterans who served in the military services of the United States in time of war or insurrection, a special permit authorizing it, upon a particular day and for a charitable purpose named in such permit, to sell, through its accredited agents in the streets and other public places within the city, or in any designated part thereof, flags, badges, medals, buttons, flowers, souvenirs, and similar small articles; provided that no person under age sixteen (16) years of age shall be accredited as such agent, that each agent shall wear in plain sight while engaged in selling such articles, a badge provided by such organization or post and approved by the licensing commission, bearing upon it the name of such organization or post the date on which the permit is to be exercised, and that no such agent shall be authorized to make or attempt to make such sales in front of any private premises against the objection of the owner or occupant thereof. The exercise of the permits hereby provided for shall be subject to the provisions of all statutes, ordinances, bylaws, rules and regulations not inconsistent herewith. The fee for such a permit shall be five dollars (\$5.00).

(Ord. No. 54-96, § I, 12-10-96)

State law reference(s)--Similar provisions, MGL c. 101, § 33.

ARTICLE III. TRANSIENT VENDORS

Sec. 11-18. Application.

Every person before commencing business as a transient vendor within the city shall file with the chief of police, on a form issued by the police department, a written application signed under the penalties of perjury containing the following information:

- (1) Name of applicant.
- (2) Address of applicant.
- (3) Applicant's height, weight, eye and hair color.
- (4) Applicant's social security number.(5) The length of time for which the right to do business is desired.
- (6) A brief description of the nature of the business and the goods to be sold.
- (7) The name and home office address of the applicant's employer. If self-employed, it shall so state.
- (8) If operating a motor vehicle; the year, make, model, registration number and owner's address.

(Ord. No. 54-96, § I, 12-10-96)

Chapter 12 MARSHLANDS*

***Cross reference(s)**--Harbors and related tidal waters, Ch. 10.

State law reference(s)--Improvement to low land and swamps, M.G.L.A. c. 252.

ARTICLE I. IN GENERAL

Secs. 12-1--12-9. Reserved.

ARTICLE II. WETLANDS*

***Editor's note**--Inasmuch as Ord. No. 21-1990, adopted Sept. 25, 1990 did not specify manner of codification, said ordinance has been deemed as superseding Article II, §§ 12-10--12-21 by the editor. Formerly, Article II pertained to the alteration of lands bordering waters and was derived from ordinances passed Oct. 2, 1979, Dec. 17, 1985, Mar. 18, 1986 and May 6, 1986.

Sec. 12-10. Purpose.

The purpose of this article is to:

- (1) Provide that land in the City of subject to seasonal or periodic flooding as described in section 12-24 of this article shall not be used in such a manner as to endanger the health or safety of the occupants thereof, or of the public generally, or to burden the public with costs resulting from individual choices of land use.
- (2) Assure the continuation of the natural flow pattern of the water courses within the city and to minimize the impact of coastal storms, in order to protect persons and property against the hazards of flood inundation.
- (3) Protect the wetlands in the city by controlling activities deemed to have a significant effect either individually or cumulatively upon the following interests:
 - a. Public or private water supply;
 - b. Ground water supply;
 - c. Flood control;
 - d. Storm damage prevention;
 - e. Prevention of pollution;
 - f. Protection of land containing shellfish;
 - g. Protection of fisheries;
 - h. Protection of wildlife habitat;
 - i. Prevention of erosion and sedimentation where erosion and sedimentation will have a detrimental effect upon wetland interests;

j. Protection of erosion and sedimentation where erosion and sedimentation provide a beneficial effect upon wetland interests.

(4) In determining whether activities will have a significant effect upon wetland interests, the commission may examine not only the effect of a particular activity but the cumulative effect of all activities contained within a resource area or the buffer zone within the applicant's proposal.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-11. Statement of jurisdiction.

(a) Except as provided by this article or permitted by the Gloucester Conservation Commission (the "commission") no person shall remove, fill, dredge, alter or build upon or within any resource areas or the buffer zone.

(b) The following areas, also referred to as resource areas, are subject to protection under this article:

(1) Any bank, any freshwater wetland, any coastal wetland, any beach, any dune, any flat, any marsh, or any swamp, bordering on the ocean, any estuary, any creek, any river, any stream, any pond or any lake.

(2) Land under any of the water bodies listed above.

(3) Any bog, swamp, marsh or wet meadow, not otherwise included in (1) above.

(4) Land subject to tidal action.

(5) Land subject to coastal storm flowage.

(6) Land subject to flooding.

(7) Areas designated by the secretary of environmental affairs as Areas of Critical Environmental Concern (ACEC), including without limitation the Parker River/Essex Bay ACEC.

(8) Land extending one hundred (100) feet horizontally outward from the boundary of an ACEC (hereinafter called the upland edge).

(9) Vernal pools as defined in section 12-11.

(10) Isolated land subject to flooding which contains at least one thousand (1,000) cubic feet of water volume at least once annually with an average depth of at least six (6) inches, whether flooded by surface water or rising groundwater. Isolated land subject to flooding lacks a buffer zone.

(c) The following activities are subject to regulation under this article:

(1) Any activity proposed or undertaken within a resource area identified in section 12-11, subsection (b), which will remove, fill, dredge or alter that area.

(2) Any activity proposed or undertaken within one hundred (100) feet horizontally outward from the boundary of any resource area identified in

section 12-11, subsection (b)(1) and (2) and within two hundred (200) feet horizontally outward from the upland edge (hereinafter called the buffer zone) which, in the judgment of the commission, will alter a resource area. With respect to an ACEC, it is emphasized that the commission's jurisdiction extends a total of three hundred (300) feet horizontally outward from the ACEC itself, i.e., a one-hundred-foot resource area known as the upland edge plus another two-hundred-foot buffer zone.

(Ord. No. 21-1990, 9-25-90; Ord. No. 63-2000, § I, 5-23-00)

Sec. 12-12. Interpretation of article.

In the interpretation and application of this article, all provisions shall be:

- (1) Liberally construed in favor of the protection of the interests as specified in section 12-10 of this article.
- (2) Deemed neither to limit nor repeal any other powers granted under federal or state law.
- (3) In the event of any conflict between the provision of this article and the Massachusetts Wetlands Protection Act and Regulations, the more protective measures will take priority.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-13. Exceptions.

The permit and application required by this article shall not be required for:

- (1) Maintaining or repairing (but not substantially changing or enlarging, nor the destruction and removal of trees) the following:
 - a. A utility structure or facility, existing at the time of the adoption of this article, and used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services; or
 - b. A public or private way, existing at the time of the adoption of this article; or
 - c. A private building, existing at the time of the adoption of this article;

provided with respect to the above that the work conforms to the performance standards set forth in this article.

- (2) Removal of debris, by hand, from a resource area provided that the work does not change width, depth or direction of flow of water, and that the work conforms to the performance standards adopted in this article.

- (3) Emergency projects necessary for the protection of the health or safety of the public, provided that: the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth of Massachusetts or a political subdivision thereof; advance notice, oral or

written, has been given to the commission prior to commencement of work or within twenty-four (24) hours after commencement; the commission or its agent certifies the work as an emergency project; the work is performed only for the time and place certified by the commission for the limited purposes necessary to abate the emergency; and within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the commission for review as provided in this article. Upon failure to meet these and other requirements of the commission, the commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

(4) The following activities, when undertaken within the buffer zone or within the upland edge:

- a. The planting, tending, maintaining and harvesting of commercial crops and household lawns and gardens;
- b. Installation or repair of fences;
- c. Mowing of fields;
- d. Erection and removal of seasonal produce or flower stands;
- e. Grazing of animals;

provided, that the work with respect to the above conforms to the performance standards set forth in this article.

(5) The application of pesticides, herbicides or chemical fertilizers undertaken within the buffer zone, and not undertaken in conjunction with an activity otherwise subject to regulation under this article, and provided that application of the pesticides, herbicides or fertilizers is done in accordance with applicable state and federal laws.

(6) Repair and maintenance of pile-supported structures, with proper building permit issued by the building inspector, shall not require application and permit required by this article.

(Ord. No. 21-1990, 9-25-90; Ord. No. 79-1998, § I, 2-17-98)

Sec. 12-14. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

Alter shall include, without limitation, the following actions:

- (1) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
- (2) Changing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood retention characteristics;
- (3) Drainage or other disturbance of water level or water table;

- (4) Dumping, discharging or filling with any material which may degrade water quality;
- (5) Driving piles or erecting buildings or structures of any kind;
- (6) Placing of obstructions whether or not they interfere with the flow of water;
- (7) Destruction of plant life, including cutting of trees;
- (8) Changing of water temperature, biochemical oxygen demand, nutrient levels or, other physical or chemical characteristics of the water;
- (9) Placing of fill, or removal of material which would alter elevation;
- (10) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- (11) Application of pesticides, herbicides, or chemical fertilizers.

Area of critical environmental concern (ACEC) means areas so designated by the executive office of environmental affairs.

Buffer zone means the area extending one hundred (100) feet horizontally outward from the resource areas numbered (1) and (2) of section 12-11, subsection (b) and/or two hundred (200) feet horizontally from (8) of section 12-11, subsection (b).

Cumulative means increasing in effect by successive additions.

Freshwater wetlands shall have the meaning ascribed in paragraph 7 of the Wetlands Protection Act. Additionally hydric soils may also be used in determining the existence of freshwater wetlands.

Hydric soils are defined as soils that in their undrained condition are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic vegetation.

Resource area is an area identified as a resource area in section 12-11 subsection (b) of this article.

Tree. A woody perennial plant with one (1) main stem which at a height of five (5) feet is over six (6) inches in diameter.

Upland edge is land ending one hundred (100) feet horizontally outward from the boundary of an ACEC.

Vernal pool is any body of water which has been certified by the Massachusetts Natural Heritage Endangered Species Program as a vernal pool.

The following words and phrases (as well as any others used in, but not defined in the article) shall have the same meaning as ascribed in the Wetlands Protection Act's Regulations (MGL 131 S40 310 CMR).

<u>Act</u>	<u>Coastal wetlands</u>	<u>Significant</u>
<u>Activity</u>	<u>Conditions</u>	<u>Stream</u>
<u>Agriculture</u>	<u>Determination</u>	<u>Swamp</u>
<u>Aquaculture</u>	<u>Dunes</u>	<u>Wet meadows</u>
<u>Bog</u>	<u>Person aggrieved</u>	<u>Wildlife</u>
<u>Wildlife habitat</u>	<u>Work</u>	

(Ord. No. 21-1990, 9-25-90)

Sec. 12-15. Presumptions of significance, performance standards, and burden of proof.

(a) *Presumption of significance.*

(1) The commission will presume that each of the resource areas identified in section 12-11 subsection (b) is significant to one (1) or more of the interests identified in section 12-10(3).

(2) These presumptions are rebuttable, i.e., the presumption may be overcome based on a clear showing by credible evidence that the activity in the resource area does not play a role in protection of said interests.

(3) In making its determination as to a resource area, the commission will employ the standards and presumptions contained in Parts II and III of 310 CMR 10.00 (Wetlands Protection), with the following amplifications:

a. Where a proposed activity involves the removing, filling, dredging or altering of any marsh, swamp, bog or wet meadow, the commission will presume that the areas are significant to the same interests as bordering vegetative wetlands, which are specified in 310 CMR 10.55(1).

b. Where a proposed activity involves the removing, filling, dredging or altering of the upland edge of an ACEC, the commission will presume that such area is significant to the following interests: flood control; prevention of storm damage; protection of land containing shellfish and fisheries; wildlife habitat; and prevention of pollution.

(b) *Performance standards.*

(1) When the commission allows work to be performed in an area that it has determined to be significant to the protection of the interests identified in section 12-10(3) it will require the work to meet certain performance standards. Performance standards are intended to identify the standard of care to which the applicant must adhere, in order to achieve the protection of the affected interests.

(2) Performance standards vary according to the resource area affected. The commission will employ the performance standards contained in Parts II and III of 310 CMR 10.00 of the Act, with the following amplifications:

a. Where a proposed activity involves the removing, filling, dredging or altering of any marsh, swamp, bog or wet meadow, the commission will employ the performance standards which apply to bordering vegetative wetlands, which are specified in 310 10.55(4) of the Act.

b. Where a proposed activity involves the removing, filling, dredging or altering of the upland edge the performance standards below shall apply:

1. No vegetation (other than exiting lawns, flowers, vegetables, crops and ornamental shrubs) shall be cut within the upland edge.
2. No impervious surface shall be added to land within the upland edge. Impervious surfaces include, but may not be limited to, roads and driveways as well as structures.
3. No components of any drainage system or septic system shall be installed within one hundred (100) feet of the upland edge; that is, within two hundred (200) feet of the ACEC.

c. Notwithstanding the provisions of section 12-15(b)(2)b.2 and 3 above, the commission may issue a wetlands permit permitting such work which results in the loss or alteration of a portion of the upland edge or buffer zone for any of the following:

1. Lots in existence prior to adoption of subdivision control in Gloucester (1961);2. Lots either already approved under subdivision control law or protected under law from zoning changes because of the subdivision process; and
3. Lots endorsed by planning board in accordance with ANR procedures of Massachusetts General Laws Chapter 41 section 81P or plans for lots submitted to the planning board prior to the adoption of this article, when the applicant can show that there is no reasonable alternative location on the lot for the proposed activity and that any adverse impacts will be minimized. Notwithstanding these performance standards, it shall be noted that resource areas such as a coastal bank, land under a body of water (stream or pond) or bordering vegetated wetland or marsh, bog or swamp may be contained within the upland edge. When this occurs on any given parcel, the more restrictive standards shall apply.

A showing that the proposed activity will be limited to reconstruction within the same footprint of a building existing as of the effective date of this article will be sufficient to overcome this presumption.

(3) The performance standards contained in section 12-15(b)(2) above are minimum standards. Where these standards are not sufficient, in the commission's judgment, to protect the interests identified in section 12-10(3) of this article, the commission may impose such conditions as are necessary to provide the indicated level of protection. (See section 12-20(a))

(c) *Burden of proof.*

(1) Any person who files a notice of intent to perform any work within the resource area or within the buffer zone has the burden of demonstrating to the commission:

a. That the area is not significant to the protection of any of the interests identified in section 12-10(3); or

b. That the proposed work will contribute to the protection of these interests by complying with the performance standards for the affected areas as established by section 12-15(b).

(2) Any person who requests the commission to regulate work taking place outside the commission's jurisdiction has the burden of demonstrating to the commission's satisfaction that the work is likely to alter a resource area.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-16. Requests for determination of applicability and submission of notices of intent.

(a) *Request for determination.* Upon written application of any person, the commission shall make a written determination within twenty-one (21) days as to whether this article applies to any land or work thereon. The commission shall accept the request for determination filed pursuant to the wetlands protection act, as an application under this article, and may require additional information to be answered as an addendum to the state's request for determination. [The submittal of the request for determination shall be accompanied by an environmental assessment fee of \\$50.00 \(Ord. 02-25, 6/25/2002\)](#)

(b) *Notice of intent.* Any person desiring to perform any activity subject to section 12-11 of this article and not described in section 12-12 shall file a notice of intent with the commission. The commission shall accept the notice of intent filed pursuant to the wetlands protection act as an application under this article, and may require additional information to be answered as an addendum to the state's notice of intent.

(c) *Contents of notices of intent.* The application shall include such information and plans as the commission determines necessary to describe the proposed activity, its impact on the environment, and its effect on the interests protected by this article. When the commission or its agent determines that an activity proposed in an application represents only a portion of a project, it may require information describing the entire project and its potential impact.

(d) *Submittal of notice of intent.* An application or notice of intent under this article shall be delivered by hand or sent by certified mail, receipt acknowledged to the commission, and shall be accompanied by the filing fee required in MGLA 131 S. 40 and which is payable to the city, and an environmental assessment fee described in section 12-16(e). A notice of intent application may be filed before other permits, variances and approvals required by the city's zoning or subdivision control regulations or any other article or regulation have been obtained.

(e) *Fees.* The amount of the fee shall be determined by the number of interests presumed to be significant under the Act and potentially affected by the proposed action, as determined by the commission or its agent. The interests are described in section 12-10(3) of this article. The current fee structure is as follows:

<u>Residential Construction</u>	
<u>Number of lots and/or units</u>	<u>Amount per interest</u>
<u>One to Five</u>	<u>(\$25.00 Ord. 02-25 Deleted 6/25/2002) \$50.00</u> <u>(Ord. 02-25, 6/25/2002)</u>
<u>Six to nine</u>	<u>100.00</u>
<u>Ten to nineteen</u>	<u>150.00</u>
<u>Twenty to forty-nine</u>	<u>200.00</u>
<u>Fifty or more</u>	<u>250.00</u>
<u>Commercial and Industrial Construction</u>	
<u>Construction Cost*</u>	<u>Amount per interest</u>
<u>Less than \$ 99,999.</u>	<u>(\$25.00 Ord. 02-25 Deleted 6/25/2002) \$50.00</u> <u>(Ord. 02-25, 6/25/2002)</u>
<u>\$ 100,000. -- \$249,999.</u>	<u>\$100.00</u>
<u>\$ 250,000. -- \$499,999.</u>	<u>\$150.00</u>
<u>\$ 500,000. -- \$999,999.</u>	<u>\$200.00</u>
<u>\$1,000,000. -- or more</u>	<u>\$250.00</u>

(*Fees are based on a seventy-five dollars (\$75.00) per square foot construction cost as determined by the building inspector's office. (Ord. 02-22 Delete 6/11/2002)

*Fees are based on a one hundred twenty dollars (\$120.00) per square foot construction cost as determined by the building inspector's office. Ord. 02-22, 6/11/2002

(Ord. No. 21-1990, 9-25-90)

Sec. 12-17. Hearing on permit applications.

The commission shall open a public hearing on any notice of intent application within twenty-one (21) days of its receipt. The commission shall combine its hearing under this article with the hearing conducted under MGLA Chapter 131, section 40 (The Wetlands Protection Act). Notice of the time and place of the hearing shall be given by the commission at the expense of the applicant, not less than five (5) days prior to the hearing, by publication in a newspaper of general circulation in the city and by mailing a notice, to the applicant, the city clerk, and abutters and abutters to the abutters, any such notice to be expedited by the city clerk's office or the planning division, and to such other persons as the commission may determine.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-18. Effect of insufficient information.

If the commission finds that the information submitted by the applicant is not sufficient:

(1) To describe the site, the work or the effect of the work on the interests identified in section 12-10; or

(2) To sustain the burden of proof as to the protection of those interests, as described in section 12-10(3); then this finding shall be sufficient cause for the commission to deny a permit or, in the commission's discretion, to continue the hearing to another date to enable the applicant or others to submit additional information.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-19. Review by other officials.

When applicable, the conservation commission may transmit copies of any application described in section 12-16(a) of this article to other city officials and boards (listed below) for review and comment.

<u>Board of health</u>	<u>Planning board</u>
<u>City engineer</u>	<u>Zoning board of appeals</u>
<u>City council</u>	<u>Harbormaster</u>
<u>Tree warden</u>	<u>Shellfish advisory commission</u>

If a project applicant is required by the executive officer of environmental affairs to prepare an environmental impact report, (EIR) and if that EIR scope includes impacts on any resource area, the commission may consider the EIR in any decision pursuant to this article. The commission shall have the authority to continue its hearing under this article until the final EIR is certified by the secretary of environmental affairs as complying with the Massachusetts Environmental Policy Act.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-20. Permit--Issuance; denial; expiration and modification.

(a) *Issuance of permit.* If, after a public hearing, the commission determines that the activities which are the subject of the application will or are likely to have a significant effect upon the interests protected by this article, the commission shall, within twenty-one (21) days of the close of the hearing, issue or deny a permit for the activities requested. If it issues a permit after making such a determination, the commission shall impose conditions which it deems necessary or desirable to protect those interests, and all work shall be performed in accordance with the conditions. If the commission determines that the area which is the subject of the application is not significant to the interests protected by this article, it shall issue a permit within twenty-one (21) days of the close of the public hearing. Each permit issued pursuant to this section shall be signed by a majority of the commission and a copy thereof shall be sent forthwith to the applicant and to the Commonwealth Department of Environmental Protection. No work proposed in any application shall be undertaken before the permit issued by the commission with respect to such work has been recorded in the registry of deeds (or, if the work is proposed upon registered land, in the registry section of the land court for the district in which the land lies).

(b) *Denial of permit.* The commission is authorized to deny a permit for the following reasons: failure to submit necessary information and/or plans requested

by the commission; failure to meet the design specifications, performance standards, and other requirements in the regulations of the commission; for failure to avoid or prevent significant or cumulative adverse effects upon the interests protected by this article; or when the commission determines that no conditions are adequate to protect those interests. The commission shall consider any demonstrated hardship to be suffered by the applicant because of denial, but demonstration of hardship shall not limit the commission's authority to deny a permit or impose conditions. No person shall submit an application which is substantially similar to one (1) which has been denied until a period of two (2) years, commencing with the date the denial was issued, has lapsed. The commission shall have the sole authority to determine if there are sufficient changes to an application to allow its resubmittal within two (2) years.

(c) *Expiration and modification of a permit; issuance of certificates of compliance.* A permit shall expire three (3) years from the date of issuance; all work under a permit must be completed within that time period. Any permit may be renewed, in the discretion of the commission, for an additional one-year period, provided that a written request for renewal is received by the commission at least thirty (30) days prior to expiration.

The commission may revoke or modify any permit issued under this article for cause, after notice to the permit holder and after a public hearing. The permit holder shall be afforded an opportunity to participate in the hearing.

The commission, in its discretion, may combine the permit or other disposition of an application issued under this article with its action under the Wetlands Protection Act.

Upon completion of work permitted under the Wetlands Permit, the applicant must apply to the conservation commission for a certificate of compliance. If the commission determines that the work has been completed in accordance with the wetlands permit, it shall issue a certificate of compliance.

(d) *Variances.* No variances shall be allowed for any proposed work within a designated flood hazard area.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-21. Security for permits.

As part of a permit issued under this article, in addition to any security required by any other municipal or state board, agency or official, the commission may require that the performance and observance of the conditions imposed by the permit be secured wholly or in part by one or more of the methods described below:

(1) By proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility determined by the commission to be sufficient and payable to the city upon default.

(2) By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of the city, whereby the permit conditions shall be performed and observed before any lot may be conveyed.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-22. Remedies to commission's action on permit.

A person aggrieved by the conservation commission's denial or issuance of a permit, with or without conditions, may pursue his remedies under M.G.L.A. chapter 249, section 4.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-23. Penalty for violation.

The commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of ensuring that conditions contained within permits are met and to inspect for reported violations of this article, provided that such persons have not been denied access by the property owner or his or her representative.

The commission shall have the authority to enforce this article, its regulations, and permits issued thereunder by violation notices, administrative orders and penalties, and civil and criminal court actions. Upon request of the commission, the city general counsel may take legal action for enforcement under civil law. Upon request of the commission, the chief of police may take legal action for enforcement under criminal law. City boards and officers, including any police officer or other office having police powers, shall have authority to assist the commission in enforcement.

Any persons who violate any provision of this article, any regulations promulgated by the commission or any permits issued pursuant to this article, may be subject to an administrative penalty.

The commission shall have the authority to impose an administrative penalty, after holding a public hearing and after having given written notice to the party, under the conditions below:

(1) Anyone who, alone or acting together with other person(s), builds upon, fills, removes, discharges into, dredges or alters land in a buffer zone or resource area without a City of Gloucester Wetlands Permit but who obtains a permit after being so notified, or complies with conditions set by the conservation commission in the enforcement order, may be fined up to two hundred dollars (\$200.00) for each separate violation.

(2) Anyone who, alone or acting together with other person(s), builds upon, fills, removes, discharges into, dredges or alters land in a buffer zone or resource area without a city wetlands permit and who after receiving written notice, fails to apply for a permit or comply with the conditions, set by the commission, in the enforcement order, may be assessed an administrative penalty of up to two thousand dollars (\$2,000.00) for each separate violation.

(3) Anyone who, alone or acting together with other person(s), builds upon, fills, discharges into, removes, dredges or alters land in a buffer zone or resource area in a manner contrary to the conditions contained within a permit may be assessed an administrative penalty of up to three thousand dollars (\$3,000.00) for each separate violation.

(4) Anyone who, alone or acting together with other person(s) builds upon, fills, discharges into, removes, dredges or alters a resource area in

which significant damage has occurred to the wetland or where the damage can only be partly corrected may be assessed an administrative penalty of up to four thousand dollars (\$4,000.00) for each separate violation. An example of significant damage may include, but not be limited, to instances where the available remedies require an involved procedure such as restoration or replication of a wetland or the removal of a structure.

The phrase separate violations is defined as the same action done more than once which violates this article or taking several actions at the same time each of which violate this article in a different way. An example of the first instance would be to bring fill into a wetland on more than one (1) occasion. An example of the second instance would be to dredge a pond, install a culvert across a brook and fill a wetland all without a permit. This would be three (3) separate violations even if they occurred on the same day. Separate violations may include, but not be limited to these examples.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-24. Preacquisition violations.

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this article or in violation of any order issued under this article shall forthwith comply with any such order to restore such real estate to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three (3) years following the recording of the deed or the date of the death by which such real estate was acquired by such person. The city shall, if necessary, petition for relief in a court having equity jurisdiction to restrain a violation of this article and to enter such orders as it deems necessary to remedy such violation. An owner or occupant of property which may be affected by the removal, filling, dredging or altering pursuant to this article, or ten (10) residents of the city under the provisions of M.G.L.A. Chapter 214, § 10A. may likewise petition for such relief in a court having equity jurisdiction.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-25. Conservation commission to promulgate rules and regulations to effectuate chapter.

(a) After due notice and public hearing, the conservation commission may promulgate procedural rules and regulations to effectuate the purpose of this chapter. Failure by the commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this article.

(b) The commission may adopt additional definitions not inconsistent with section 12-14 in its regulations promulgated pursuant to subsection (a).

(Ord. No. 21-1990, 9-25-90)

Sec. 12-26. Adoption of wetlands maps.

Wetlands maps prepared by the city planning division from 1977-1978 on the forty thousand series city base maps showing all wetlands, the area of critical environmental concern, and the one hundred-foot buffer zone, are on file at the planning office. These maps are to be used as a guideline for the commission and the public and are not jurisdictional.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-27. Floodplain management.

(a) *Coastal high hazard areas.* Coastal high hazard areas (V zones 1-30) are located within areas of special flood hazard. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, all buildings or structures shall be located landward of the reach of the mean high tide.

(b) *Floodways.* Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, all encroachments, including fill, new construction, substantial improvements, and other developments are expressly prohibited, unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(c) *Unnumbered A zones.* All buildings or structures located in an unnumbered A zone shall be elevated or floodproofed. The best available data shall be used to determine the base flood elevation.

(d) *Adoption of flood insurance maps.* The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled, "Flood Insurance Study for the City of Gloucester," dated May 1984, with accompanying flood insurance rate maps and flood boundary-floodway maps, is hereby adopted by reference and declared to be a part of this article. The Flood Hazard Insurance Study is on file at the building inspector, city engineer and the city planning offices.

(e) *Liability.* This article shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(f) *Health regulation pertaining to the flood hazard zones.* The board of health, in reviewing all proposed water and sewer facilities to be located in the flood hazard zones established under this article, shall require that:

(1) The repair, replacement, or construction of water supply facilities within the flood hazard zones shall be designed to prevent infiltration of flood waters into the water supply system; and

(2) The repair, replacement, or construction of sanitary sewage into the flood hazard zones shall be designed to prevent infiltration of flood waters into the system and discharges from the system into the flood waters.

(g) *Submittal requirements relative to the flood hazard zones.* So that the commission may determine that for new construction of buildings, substantial improvements to or relocation of existing buildings, the purposes of this article relative to flood hazard zones are met, nine (9) copies of a site plan at a scale of one inch equals ten feet prepared by a registered land surveyor or registered professional civil engineer, shall be submitted to the commission by the applicant. The site plan shall show at least the following:

- (1) The location, boundaries, and dimensions of each lot.
- (2) Two-foot contours of the existing and proposed land structure.
- (3) Location of existing and proposed structures, watercourses, and drainage easements, means of access, drainage, and sewer disposal facilities.
- (4) The area and location of existing or proposed leaching fields, if any.
- (5) Base flood elevation for the 100-year floodplain level as identified on the Flood Insurance Rate Map (FIRM) for the City of Gloucester.

(Ord. No. 21-1990, 9-25-90)

Sec. 12-28. Severability.

The invalidity of any section or provision of this article shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

(Ord. No. 21-1990, 9-25-90)

Chapter 13 NOISE*

***Editor's note**--Ord. No. 45-1995, adopted Dec. 15, 1995, amended former Ch. 13, §§ 13-1--13-15, in its entirety. Former Ch. 13 pertained to similar subject matter and derived from Ord. of 12-20-83, Arts. 1--9, and Ord. No. 24-1994, § I, 11-29-94.

State law reference(s)--Municipal authority to control and abate noise from whatever source, M.G.L.A., c. 40, § 21(22); motor vehicle noise, M.G.L.A., c. 90, § 16.

ARTICLE I. IN GENERAL

Sec. 13-1. Declaration of policy.

It is hereby declared to be the policy of the city to prohibit unnecessary and excessive noises. Above certain levels, noise is detrimental to the health and welfare of the citizenry, and in the public interest, shall be systematically proscribed. It is the express intent of this city council to control the level of noise in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose and the quality of the environment.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-2. Definitions.

All technical terminology used in this chapter and not defined herein shall be interpreted in conformance with American National Standards Institute Specifications (ANSI), section 1.1-1960, and section 1.4-1971. For the purposes of this chapter, the words and phrases used herein shall have the meanings set forth in this section:

Administrator shall mean the building inspector or his authorized representative as enforcing agent.

Ambient sound level shall mean passing sound associated with a given environment, being a composite of sounds from many sources, near and far. For the purpose of this chapter, ambient noise level is that sound level which is exceeded ninety (90) percent of the time during a sound level survey, with sound level measurements taken every ten (10) seconds during a period of time not less than fifteen (15) minutes. The ambient noise level will be determined at the approximate location and time of day at which a comparison with the alleged noise source is to be made. The sound level measurements for computing the ambient sound level will not include sounds produced by the alleged noise source or source property.

Construction shall mean any site preparation, assembly, erection, demolition, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property.

dB(A) shall mean the sound level measured in decibels, using the "A" weighting network.

District shall mean the land use districts to which the provisions of this chapter are applied. For the purposes of this chapter:

- (1) *Residential district* includes zoning districts designated in the city's current zoning ordinance as R-R, R-1, R-2, R-3, and R-4.
- (2) *Commercial district* includes zoning districts designated in the city's current zoning ordinance as S, CCD, B-1, B-2, and B-3.
- (3) *Industrial district* includes zoning districts designated in the city's current zoning ordinance as I-1 and I-2.

Emergency work shall mean work required to restore property to a safe condition following a public calamity, work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.

Equipment shall mean any stationary or portable device or any part thereof capable of generating sound.

Impulsive sound shall mean sound having the following qualities: the peak of the sound level is less than one (1) second and short compared to the occurrence rate, the onset is abrupt, the decay is rapid, and the peak value exceeds the ambient level by more than ten (10) dB(A).

Motor vehicles shall mean all vehicles constructed and designed for propulsion by power other than muscular power including any such vehicles when pulled or towed

by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley, vehicles running only upon rails or tracks, vehicles used for other purposes than the transportation of property and incapable of being driven at a speed exceeding twelve (12) miles per hour and which are used exclusively for the building, repair and maintenance of highways or designed especially for use elsewhere than on the travelled part of ways, wheelchairs owned and operated by invalids and vehicles which are operated or guided by a person on foot. The definition of motor vehicles shall not include motorized bicycles, aircraft or watercraft.

Noise shall mean the intensity, duration and character of sounds from any and all sources.

Periodic sound shall mean sound having the following qualities: the sound level varies repetitively, with a period of one (1) minute or less and the peak value is more than five (5) dB(A) above the minimum value.

Person means any individual, firm, association, partnership, corporation or any entity, public or private.

Property boundary shall mean the line at ground surface, which separates the real property owned, rented, or leased by one (1) or more persons, from that owned, rented, or leased by one (1) or more other persons, and its vertical extension.

Public highway shall mean the entire width between the boundary lines of every way publicly maintained by the city or the state or other ways generally open to public passage, when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

Public nuisance noise shall mean any sound which unreasonably either annoys, injures, interferes with or endangers the comfort, repose, health or safety of an entire community or neighborhood or section thereof, although the extent of damage may be unequal.

Pure tone component shall mean any sound having the following qualities:

- (1) Any sound which can be distinctly heard as a single pitch, such as a whine, hum, buzz, or squeal; and
- (2) Where the sound pressure level of the octave band containing the alleged pure tone component exceeds the sound pressure levels of the two (2) contiguous octave bands by three (3) decibels. An octave band is a segment of frequencies where the center frequency of each octave band is located at one of the following frequencies (hertz): 31.5, 63, 125, 250, 500, 1000, 2000, 4000, 8000, 16000, 32000 hertz.

Real property shall mean an interest or aggregate of rights in land which is guaranteed and protected by law; for purposes of this chapter the term "real property" includes a leasehold interest.

Receiving property shall mean real property within which sound originating from sources outside the property is received.

Sound pressure level shall mean the weighted sound pressure level measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4, 1971. The sound pressure level of a sound expressed in decibels is twenty (20) times the logarithm (to the base 10) of the

ratio of the sound pressure to the reference sound pressure of twenty (20) micropascals (a unit of pressure equal to 20×10^{-6} Newton/meter²). In the absence of any specific modifier, the level is understood to be that of a root mean-square pressure.

Sound level meter shall mean a sound level measuring device, either Type I or Type II, as defined by the American National Standards Institute Specifications, Section 1.4, 1971.

Special construction vehicle shall mean any vehicle which is designed and used primarily for grading, paving, earth removing, and other construction work; and which is not designed or used primarily for the transportation of persons or property on a public highway; and which is only incidentally operated or moved over the highway.

Use shall mean the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

Warning device shall mean any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle back-up signal, but not including any fire alarm.

Watercraft shall mean any contrivance, excluding aircraft, used or capable of being used as a means of transportation or recreation on water.

Weekday shall mean any day Monday through Friday which is not a legal holiday.

Weekend means Saturday and Sunday or any legal holiday.

(Ord. No. 45-1995, § I, 12-15-95)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

State law reference(s)--Definition M.G.L.A. c. 90, § 1.

Sec. 13-3. Enforcement; remedies.

(a) The provisions of Article I of this chapter inclusive shall be administered and enforced by the administrator.

(b) Action pursuant to section 1-14 shall not be a bar to enforcement of this article by injunction or other appropriate remedy. The administrator is authorized and empowered to institute and maintain, in the name of the city, any and all such enforcement proceedings.

(c) Nothing in Article I of this chapter shall be construed to abridge or impair the right of any person to damages or other relief on account of injury to persons or property.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-4. Measurement of sound.

Measurement of sound for the purposes of enforcing the provisions of Article I of this chapter shall be measured in dB(A) with a sound level meter in good operating condition. The point of measurement may be at any point within the receiving property.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-5. Prohibited sound.

It is unlawful for any person to cause sound, or for any person in possession of property to permit sound originating from the property, to intrude into the real property of another person whenever the sound exceeds the maximum permissible sound levels established by Article I of this chapter.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-6. Maximum permissible sound levels--Enumerated.

For sound sources located within the city, the maximum permissible sound levels (dB(A)) are as follows:

<u>District of Receiving Property</u>				
<u>(1) District of Sound Source</u>			<u>Residential</u>	
<u>Commercial</u>				
<u>Industrial</u>				
<u>55</u>			<u>57</u>	
<u>(2) 60</u>			<u>Commercial</u>	
<u>57</u>			<u>60</u>	
<u>65</u>				
<u>(3)</u>	<u>Industrial</u>	<u>60</u>	<u>65</u>	<u>70</u>

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-7. Same--Modifications.

The maximum permissible sound levels established by section 13-6 shall be reduced or increased by the sum of the following:

- (1) Between the hours of 8:00 p.m. to 6:00 a.m. on weekdays and 8:00 p.m. to 8:00 a.m. on weekends, the sound levels established by section 13-6 are reduced by ten (10) dB(A) where the receiving property lies within a residential district of the city.
- (2) For any source of sound which is periodic, which has a pure tone component, or which is impulsive and is not measured with an impulse sound meter, the levels established by section 13-6 shall be reduced by five (5) dB(A); provided, however, that this five (5) dB(A) penalty for the emission of sound having a pure tone component shall not be imposed on any electrical substation transformer. This does not apply to any re-replacement or new substation.
- (3) For any source of sound which is of short duration, the levels established by section 13-6 are increased by:
 - a. Five (5) dB(A) for a total of fifteen (15) minutes in any one-hour period; or
 - b. Ten (10) dB(A) for a total of five (5) minutes in any one-hour period; or

- c. Fifteen (15) dB(A) for a total of one and one-half (1.5) minutes in any one-hour period.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-8. Property that is zoned for more than one district.

(a) When a receiving property has been zoned for more than one (1) district, the maximum permissible sound level shall be determined by the district of the sampling site where the sound level measurement was actually taken. In instances where the actual sampling site has been multi-zoned, the more sensitive district classification shall prevail for the purposes of this chapter, i.e., residential for residential/commercial, commercial for commercial/industrial, etc.

(b) Source properties that have been multizoned will be treated by the method of utilizing the more intensive classification; i.e., residential for residential/commercial and commercial for the commercial/industrial, etc.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-9. Public nuisance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound which has been determined a public nuisance noise.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-10. Sounds exempt during daytime hours.

The following sounds are exempt from the provisions of section 13-6 between the hours of 6:00 a.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 8:00 p.m. on weekends:

- (1) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds, and appurtenances;
- (2) Sounds created by discharge of firearms on authorized shooting ranges;
- (3) Sounds created by lawfully conducted blasting;
- (4) Sounds created by installation or repair of essential utility services;
- (5) Sounds created by bells, chimes, or carillons not operating for more than five (5) minutes in any one (1) hour;
- (6) Sounds originating from officially sanctioned parades and other public events;
- (7) Sounds created by construction equipment, including special construction vehicles, and emanating from temporary construction sites, if the receiving property is located in a residential district of the city. This exception is created with the stipulation that any equipment powered by

internal combustion engines shall be equipped with a muffler in good working order.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-11. Sounds exempt from nighttime reduction.

The following sounds are exempt from the provisions of section 13-7(1):

- (1) A noise from existing electrical substation transformers; however, this does not apply to replacement or new substations;
- (2) Noise from existing stationary equipment used in conveyance of water by a utility; however, this does not apply to new or replacement equipment which shall conform to this chapter;
- (3) Sounds created by sources in industrial districts which, from December 20, 1980, have consistently operated in excess of fifteen (15) hours per day as a demonstrated routine or as a consequence of process necessity; provided, that the exemption shall only extend to five (5) years after the effective date of Article I of this chapter. Changes in working hours, which would increase the noise emitted under this exemption require the approval of the administrator in accordance with the rules adopted in section 13-13.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-12. Sounds exempt at all times.

The following sounds are exempt from the provisions of Article I of this chapter at all times:

- (1) Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations;
- (2) Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
- (3) Sounds created by warning devices not operated continuously for more than thirty (30) minutes per incident;
- (4) Sounds created by fire alarms, emergency equipment, and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;
- (5) Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;
- (6) Sounds created by the discharge of firearms in the course of lawful hunting activities;
- (7) Sounds created by natural phenomena and unamplified human voices provided that this section shall not preclude any law enforcement officials in regard to appropriate response in the line of duty;

(8) Sounds created by the operation of equipment or facilities of surface carriers engaged in commerce by railroad;

(9) Sounds created by watercraft;

(10) Sounds created by motor vehicles are exempt from the maximum permissible sound levels of section 13-6 except those sounds prohibited by Article II of this chapter and created by any motor vehicle located off ways open to public use shall be subject to the maximum permissible sound levels of section 13-6, when the sounds are received in a residential district of the city;

(11) Sounds created by construction equipment, including special

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-13. Special exception procedure.

(a) Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the administrator for relief from the requirements of Article I of this chapter or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the special exception may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as required by the administrator. The administrator shall promulgate rules and regulations governing the application for and granting of such special exceptions including hearings and notice. Any special exception or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

A special exception or its renewal shall not be a right of the applicant or holder thereof, but shall be at the reasonable discretion of the administrator.

(c) No special exception shall be declared pursuant to this section until the administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public. A technical or economic special exception may be declared only after a public hearing on due notice. The administrator may declare a special exception, if he finds that:

(1) The noise occurring or proposed to occur does not endanger public health or safety; and

(2) The applicant demonstrates that the criteria required for a temporary, technical or economic special exception under section 13-14 are met.

(d) Special exceptions, except temporary special exceptions, declared pursuant to Article I of this chapter may be renewed on terms and conditions and for periods which would be appropriate on the initial declaration of a special exception. No renewal shall be granted except on application made at least sixty (60) days prior to the expiration of the special exception.

(e) Any person aggrieved by the denial, declaration, or the terms and conditions on the declaration of an application for a special exception or renewal

of a special exception by the administrator may appeal such decision to the board of health under procedures contained in Article I of this chapter.

(f) Any person or source granted a special exception pursuant to the procedures of this section or on appeal shall be exempt from the maximum permissible sound levels established by Article I of this chapter, to the extent provided in the special exception.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-14. Types of special exceptions.

(a) *Temporary special exception.* The administrator may declare a temporary special exception, not to exceed fourteen (14) days, for any activity, use, process or equipment which the administrator determines, in accordance with rules and regulations, does not constitute a public nuisance noise and does not endanger public health or safety.

(b) *Technical special exception.* A technical special exception may be declared by the administrator on the grounds that there is no practical means known or available for the adequate prevention, abatement or control of the noise involved. Any technical special exception shall be subject to the holder's taking of any alternative measures that the administrator may prescribe. The duration of each technical special exception shall be until such practical means for prevention, abatement or control become known or available. The holder of a technical special exception, as required by the administrator, shall make reports to the administrator detailing actions taken to develop a means of noise control or to reduce the noise involved and must relate these actions to pertinent current technology.

(c) *Economic special exception.* An economic special exception may be granted by the administrator on the grounds that compliance with the particular requirement from which the special exception is sought will require the taking of measures which, because of their extent or cost, must be spread over a period of time. The duration of an economic special exception shall be for a period not to exceed such reasonable time as is required in the view of the administrator for the taking of the necessary measures. An economic special exception shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to the timetable.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-15. Notice of violation; hearing; appeals.

(a) Whenever the administrator has determined that a provision of Article I of this chapter has been violated, he shall cause written notice to be served upon the alleged violator either personally, or by his designated agent, or by mailing the notice by certified mail, return receipt requested. The notice shall specify the provisions of Article I of this chapter alleged to have been violated and facts alleged to constitute a violation, including dB(A) readings noted and the time and place of their detection. The same notice shall include an order that corrective action be taken within such time as specified in the order. No later than ten (10) days after the order is served, the person named therein may request, in writing,

a hearing. Such written requests shall be filed in the office of the board of health. Upon the timely filing of a request for hearing on an order, the board of health shall hold a public hearing.

(b) If after a hearing held pursuant to subsection (a), the presiding body finds that a violation has occurred, it shall affirm or modify the order previously issued or take other appropriate corrective action. Each day's failure to comply with the order as issued or modified shall constitute an additional offense. If, after the hearing, the presiding body finds that no violation has occurred, it shall rescind the order.

(c) Any person aggrieved by the decision of the board of health may seek relief therefrom within thirty (30) days in any court of competent jurisdiction, as provided by the laws of this commonwealth.

(Ord. No. 45-1995, § I, 12-15-95)

Secs. 13-16--13-30. Reserved.

ARTICLE II. SOUND DEVICES IN MOTOR VEHICLES*

***Editor's note**--The editor has renumbered the provisions of Article II, originally designated as sections 13-16, 13-17 by Ord. No. 45-95, § I, adopted Dec. 15, 1995, in order to reserve sections for future use.

Sec. 13-31. General prohibitions; penalties for violations.

No person shall play any radio, music player such as a boombox or an audio system in a motor vehicle at such volume as to disturb the quiet, comfort or repose of other persons or at a volume which is plainly audible to persons other than occupants of said vehicle. The following penalties shall apply:

First offense: A mandatory warning citation.

Second offense: A mandatory fine of fifty dollars (\$50.00).

Third offense: A mandatory fine of one hundred dollars (\$100.00).

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-32. Enforcement and police authority to seize motor vehicles causing excessive noise.

(a) The Gloucester Police Department shall enforce the provisions of Article II, Chapter 13.

(b) The police department shall have authority to notify the Registrar of Motor Vehicles when there has been failure to pay a fine by a person using a "boom box" or other amplification device attached to or in a motor vehicle. Upon receipt of two (2) or more such notices, the Registrar of Motor Vehicles shall not renew the driving license of the person or persons violating the noise ordinances and

shall not renew the registration of the vehicle used to transport the noise-making equipment, until all fines have been paid.

(c) Police shall have the authority to impound the vehicle with all its contents, major items of which shall be inventoried on a list kept by police, a copy of which is to be supplied to the owner.

(d) In the event the motor vehicle seized is owned by a different person or business entity, police shall send notice of seizure and receipt identifying the vehicle confiscated and its contents to said owner.

(e) The vehicle seized and impounded shall be kept in custody until fines are paid or judicial process involving the case has been completed.

(f) In instances of repeat offenses or a flagrant violation of the Article II police may seek permission in the court for disposition of the vehicle.

(g) Refusal of an offender to give his or her true name and address when requested by a police officer shall be grounds for taking the person into custody until his or her identity has been established.

(h) In the event of subsequent noise violations, reports concerning the same individuals, the Gloucester Police Prosecutor shall be empowered to seek a criminal complaint based on documents files.

(Ord. No. 45-1995, § I, 12-15-95)

Chapter 14 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross reference(s)**--Police, Ch. 17; traffic and motor vehicles, Ch. 22.

State law reference(s)--Crimes and punishments, M.G.L.A. chs. 263--274.

ARTICLE I. IN GENERAL

Sec. 14-1. Disorderly conduct.

No person shall behave himself in a disorderly manner, or use any loud or disruptive language in any street, public place or common area to the annoyance or disturbance of any reasonable person.

(Code 1970, § 12-1)

State law reference(s)--Disturbing public meetings, M.G.L.A. c. 272, §§ 38, 40; disorderly conduct, M.G.L.A. c. 272, §§ 53, 54, 61.

Sec. 14-2. Discharge of firearms.

(a) No person shall discharge a firearm, as defined in M.G.L.A. c. 140, § 121, a rifle or shotgun within five hundred (500) feet of a dwelling or other building, except with the consent of the owner or legal occupant thereof. Ord. 01-24 Deleted 7/10/2001)

(a) No person shall discharge a firearm, as defined by M.G.L.A. c. 140 Section 121, a rifle or shotgun within five hundred (500) feet of a city-owned park, beach or playing field or within five hundred (500) feet of the boundary of a dwelling or other building, except with the consent of the owner or legal occupant thereof. (Ord. 01-24 7/10/2001)

(b) The provisions of this section shall not apply to:

- (1) The lawful defense of life and property;
- (2) Any law enforcement officer acting in the discharge of his duties;
- (3) Persons using underground or indoor target or test ranges with the consent of the owner or legal occupant thereof;
- (4) Persons using outdoor skeet, trap, target or test ranges with the consent of the owner or legal occupant of the land on which the range is established;
- (5) Persons using shooting galleries, licensed and defined under the provisions of M.G.L.A. c. 140, § 56A;
- (6) The discharge of blank cartridges for theatrical, athletic, ceremonial, firing squad, or other purposes in accordance with M.G.L.A. c. 148, § 39.

(c) No person shall discharge a firearm, rifle, shotgun, or other weapon on the following lands owned or leased by the city:

- (1) All of the Good Harbor Beach including beach, dunes, parking lot, and marshland lying easterly of Thatcher Road, northeasterly of Bass Avenue where it intersects with Thatcher Road, and northeasterly of that part of Nautilus Road where it intersects with Bass Avenue as specifically shown as land owned or leased by the city on maps drawn by the city engineer known as the Good Harbor Beach Area map which is on file with the city clerk and is incorporated herein by reference;
- (2) All of the Wingaersheek Beach Area including the beach, dunes, and parking lots which is either owned or leased by the city and runs northeasterly from Atlantic Street to the high water mark easterly on a line of sight from the edge of Wingaersheek Beach to a point of land on the easterly bank of the Annisquam River known as the Bent Estate and more particularly as shown on a map drawn by the city engineer dated 2-17-89. This map, known as the Wingaersheek Beach Area map, is on file with the city clerk and is incorporated herein.
- (3) Hunting, the use of hunting weapons, and the discharge of any firearms be prohibited in the following areas: all land south and east of MBTA tracks at Babson Reservoir to Pond Road and the Rockport line. This includes all land bordering Blackburn Drive, Dory Road, Old Rockport Road, including land now or formerly of the Gloucester Economic Development and Industrial Corporation.

The city land covered by this subsection shall be clearly posted, signed or marked in order to provide notice to persons of this prohibition.

(Code 1970, § 12-2; Ord. of 6-12-75, §§ 1, 2; Ord. of 4-4-89, § I; Ord. No. 8-1995, 1-10-95; Ord. No. 93-1998, § I, 7-7-98)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 21; M.G.L.A. c. 131, §§ 58, 59; M.G.L.A. c. 140, § 121; M.G.L.A. c. 269, § 12E.

Sec. 14-3. Drinking alcoholic beverages upon public ways, etc.

(a) No person shall drink from, or possess, an open container containing alcoholic beverages as defined in MGLA chapter 138, Section 1, while in, or upon, any public way or any way to which the public has a right of access, or any place to which members of the public have legal access such a park or playground, or private land, building, structure or place without consent of the owner.

Possession of an open alcohol container with beverage therein shall be prima facie evidence that said container contains an alcohol beverage as defined in Chapter 138, Section 1 of the Mass. General Laws.

Any person found in violation of this section may be arrested without a warrant, or summoned before the court.

All containers, and alcohol, shall be seized and held until final adjudication of the charge against the person arrested, or summoned before the court, at which time they shall be returned to the person lawfully entitled to possess.

(b) The sale of alcoholic beverages shall be subject, in all instances, to the approval of the licensing board.(Code 1970, § 12-9; Ord. of 4-5-83, § I; Ord. No. 8-1992, § I, 2-18-92; Ord. No. 147-1999, § I, 1-19-99)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

State law reference(s)--Alcoholic liquors generally, M.G.L.A. c. 138; consumption of alcoholic beverages in streets, reservations, parkways or boulevards in violation of municipal ordinance or by-law, M.G.L.A. c. 272, § 59.

Sec. 14-4. Loitering.

A person commits the offense of loitering if he obstructs or encumbers the passage of persons or vehicles upon, through or into any street, street corner, depot, building entrance or other public place and then refuses to move on when requested to do so by any police officer of the city.

(Code 1970, § 20-10(c))

Sec. 14-5. Injuring or destruction of public property.

(a) No person shall injure, deface or destroy any street sign, guideboard, lamppost, lamp or lantern thereon, nor any tree, building, fence, post or other thing set, erected or made for the use or ornament of the city.

(b) It shall be the duty of the members of the police department to take cognizance of any injury to any of the property herein mentioned, and report the same immediately to the mayor or chief of police.

(Code 1970, § 12-3)

State law reference(s)--Similar provisions, M.G.L.A. c. 266, § 94.

Sec. 14-6. Trespass.

(a) No person shall without right enter or remain in or upon the dwelling house, building, boat or improved or enclosed land, wharf or pier of another, after having been forbidden so to do by the person who has lawful control thereof, whether directly or by notice posted thereon, or in violation of a court order pursuant to M.G.L.A. c. 208, § 34B or M.G.L.A. c. 209A, §§ 3, 4. Proof that a court has given notice of such a court order to the alleged offender shall be prima facie evidence that the notice requirement of this section has been met. A person who is found committing any such trespass shall be arrested and kept in custody in a convenient place, not more than twenty-four (24) hours, Sunday excepted, until a complaint can be made against him for the offense, and he be taken upon a warrant issued upon the complaint.

(b) This section shall not apply to tenants or occupants of residential premises who, having rightfully entered such premises at the commencement of the tenancy or occupancy, remain therein after such tenancy or occupancy has been or is alleged to have been terminated. The owner or landlord of any such premises may recover possession thereof only through appropriate civil proceedings.

(Code 1970, § 12-4)

State law reference(s)--Similar provisions, M.G.L.A. c. 266, § 120.

Sec. 14-7. Peeping toms.

No person shall enter upon the premises of another for the purpose of or with the intention of invading the privacy of another, by peeping into the windows of a house or spying on any person residing therein. Nothing contained in this section shall be construed to abridge nor in any way limit the right of a police officer to enter upon private property or to perform any act necessary in the performance of his official duties.

(Code 1970, § 12-4)

Sec. 14-8. Posting notices on utility poles, trees or public buildings.

No person shall knowingly post or affix any notice, poster, or other paper or device calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

(Code 1970, § 10-22)

Cross reference(s)--Poles and wires, § 23-75 et seq.; trees and shrubs, § 24-15 et seq.

State law reference(s)--Posting notices, signs, advertisements or other things on trees prohibited, M.G.L.A. c. 87, § 9.

Sec. 14-9. Reward for information resulting in arrest and conviction of arsonists.

(a) The city treasurer, upon recommendation and approval of the mayor shall pay a single reward in the amount of five hundred dollars (\$500.00) to any persons who furnish to the city information which results in the arrest and conviction of any person of the crime of arson within the city and which results in the destruction of any property to the extent of five thousand dollars (\$5,000.00) or more in value.

(b) Only one (1) such reward shall be paid by the city for the convictions relating to any one (1) fire; and only one (1) reward shall be paid if the same person is convicted, because of such information, of igniting two (2) or more fires.

(c) The mayor is hereby authorized to publish and advertise this section in such form and by such means as he deems advisable.

(d) Any reward offered by the terms of this section shall be subject to prior appropriation therefor.

(Code 1970, § 12-5)

Cross reference(s)--Fire prevention and protection, Ch. 8.

State law reference(s)--Arson generally, M.G.L.A. c. 266, § 1 et seq.

Sec. 14-10. Curfew during times of civil disorder.

(a) The mayor may, if satisfied that a riot or other form of civil disorder is occurring or there is a danger that it may occur, and that a curfew is necessary for the public safety in the city, impose a curfew in all or part or parts of the city. A curfew shall be imposed by a formal proclamation of the existence or threat of riot or other form of civil disturbance in the city and the need of a curfew to protect the public safety. Any such proclamation shall be in writing and shall set forth all the conditions of the curfew. No curfew shall take effect until two (2) hours after the issuance of the proclamation declaring the imposition thereof.

(b) A curfew imposed under this section may restrict or prohibit the movement or presence of persons, vehicles and animals in or on the public ways and places of the city, including areas to which the public has a right of access, and also places of amusement and entertainment, vacant lots and other open areas, provided that an exception is hereby made for all persons having business of an emergency nature which requires the use of public ways. When a curfew is imposed, the mayor shall immediately use all reasonable and practicable means to inform all persons in the city of the curfew and its conditions, such as by the conspicuous posting of notices in public places, announcement by sound-powered voice or other such device, publication in newspapers of general circulation in the city and announcement over radio and television stations serving the city. While the curfew is in effect, its terms may be modified in any manner not inconsistent with this section by proclamation of the mayor; provided, that two (2) hours advance notice shall be given and that any such modifications are publicized in the manner required in this section.

(c) The city council shall have the authority to revoke or modify a curfew imposed under this section. Any such curfew shall, unless sooner terminated by proclamation of the mayor or by action of the city council or by the governor as provided in M.G.L.A. c. 40, § 37A, terminate seventy-two (72) hours from the hour it takes effect. Upon the termination of the curfew, additional curfews may be imposed in accordance with the provisions of this section.

(d) Any person knowing or having reason to know of a curfew imposed under this section who violates any conditions thereof may be arrested without a warrant and kept in custody for not more than twenty-four (24) hours, Sundays and holidays excepted, at or before the expiration of which time he shall be taken before a proper court or magistrate and proceeded against according to law.

(Ord. of 9-13-77, § I(12.10))

reference(s)--Similar provisions, M.G.L.A. c. 40, § 37A.

Sec. 14-11. Reserved.

Editor's note--Ord. No. 25-1991, adopted June 25, 1991 repealed former section 14-11 in its entirety which pertained to a "brown bagging" restriction on the consumption of alcoholic beverages in restaurants and derived from an Ordinance of Feb. 28, 1989, § I.

Sec. 14-12. Sale, distribution or use of "silly string" prohibited; deemed litter.

(a) No person shall possess, sell, distribute or use a product known as "Silly String" as defined in section 1-2. Each individual sale or possession of the product shall be subject to penalty and seizure by police as provided in section 1-14.

(b) The product known as "Silly String," outside its container, shall be considered litter as defined in section 9-1 and its use shall be regulated according to sections 9-1 through 9-10 and section 1-15.

(c) No person shall sell, distribute or use a product known as "Poppers/Snappers". Each individual sale of the product shall be subject to the penalty as provided in section 1-14.

(d) The product known as "Poppers/Snappers" shall constitute a public nuisance, and further shall be considered litter as defined in section 9-11 through 9-10 and Section 1-15.

(Ord. of 11-29-88, § I(II, III); Ord. No. 4-1990, § I, 1-9-90; Ord. No. 29-1992, § I, 11-10-92)

Editor's note--Section I(II, III) of an ordinance adopted Nov. 29, 1988, added provisions which have been codified herein at the discretion of the editor as § 14-12.

Sec. 14-13. Cigarette machines.

(a) Cigarette machines are hereby banned within the City of Gloucester.

(b) Lock-out devices on cigarette machines located in private clubs, barrooms and taverns holding a liquor license in the city and who do not allow minors under the age of twenty-one (21) years of age to enter their establishment are allowed.

This amendment will be enforced by the health agent and the health agent is to coordinate educational efforts with the educational efforts of the Prevention Network.

All lock-out devices are to be installed within thirty (30) days which will be verified by the enforcing agency, and machines are to be moved to a position in the line of sight of the bartender and away from entryways.

(Ord. No. 11-1993, § I, 9-7-93; Ord. No. 15-1993, § I, 12-14-93; Ord. No. 26-1994, § I, 12-13-94)

Sec. 14-14. Smoking on School Grounds:

Smoking is not permitted by anyone within the area bounded by Gloucester High School, and a buffer zone of 300 feet in all directions from the property of the City of Gloucester on which the Gloucester High School is located, on school days between the hours of 7:00 a.m. to 4:00 p.m. (Ord. 02-47 10/22/2002)

Secs. 14-15--14-25. Reserved. (Changed 10/22/2002)

ARTICLE II. ALARM SYSTEMS*

***Cross reference(s)**--City electrician designated superintendent of fire alarm and police signal systems, § 2-136; fire prevention and protection, Ch. 8; police, Ch. 17. **State law reference(s)**--Fire alarms and sprinkler systems, M.G.L.A. c. 148, § 26 et seq.; police signal systems, M.G.L.A. c. 268, § 32.

Sec. 14-26. Definitions.

As used in this article:

Alarm device shall mean any device which when activated (a) transmits a signal to the police facility or fire station (b) transmits a signal to a person or company who relays information to the police facility or fire station; or (c) produces an audible or visible signal from an exterior mounted alarm device to which the police, firefighters or ambulance service personnel are expected to respond.

Alarm system shall mean a group of alarm devices which are a separate and distinct system. The alarm user must, in writing, specify the number of separate and distinct alarm systems in their building(s) to the satisfaction of the police chief or fire chief as appropriate. Separate security systems may include burglary alarm (ie. manually-pulled alarms), intrusion alarms or vault alarms. Separate fire alarm systems may include sprinkler systems, automatic fire detection systems (ie. heat and/or smoke detectors) and manual fire alarm systems (ie. pull stations). Unless notified in writing, each alarm user will be considered to have one alarm system.

Alarm user shall mean any person who is the owner or person in charge of premises where an alarm system is maintained within the city.

False alarm shall mean activation of an alarm through negligence of an alarm user, or employee, improper installation, mechanical failure, malfunction, or any other cause, except for alarms caused by low-battery power during a long-term power failure which results in the police or firefighters responding, where it is determined after investigation by the police or fire department that no criminal activity, attempted criminal activity, fire or medical emergency has occurred. For the purposes of this section, smoke conditions caused by burnt toast, stove backdrafts, and similar situations, where no fire occurs, shall be considered false alarms.

(Ord. of 8-18-87, § I(2-139); Ord. of 2-14-89, § I)

Sec. 14-27. Alarm user responsibility.

(a) Every burglar alarm user shall submit to the chief of police, and every fire alarm or medical alert user shall submit to the fire chief his/her name, address, telephone number, and those of at least two (2) other people (keyholders) who are authorized to respond to an emergency signal transmitted by an alarm system, and who can open the premises in which the alarm system is located. As an alternative the alarm user may install a security key box for rapid access of emergency personnel into the property in conformance with the Rule 1 established under section 14-32. Facilities with this security key box must provide the keyholder information for inclusion in the security lock box and by doing so are exempt from the keyholder penalty stated in section 14-30(a).

(b) Each alarm company, as defined under section 14-26 "alarm device" (b) shall maintain a list of at least three (3) keyholders for each alarm user serviced and shall immediately activate that list after notifying the appropriate response agency of an alarm. The alarm companies shall supply the keyholder information to the fire and police departments for their customer, and this will be deemed to meet the requirements of section 14-27(a).

(c) All alarm users must notify the police or fire department in advance of any testing of equipment. Failure to notify the police or fire department in advance of a testing of equipment shall be subject to the assessment schedule contained herein if a false alarm results.

(d) All burglar alarm systems which use an exterior audible bell, horn or siren shall be equipped with an automatic shutoff device, which will deactivate the alarm system within fifteen (15) minutes. All alarm users with an exterior audible bell, horn, or siren must comply with this section within ninety (90) days of the effective date of this article. Fire alarms are not required to automatically deactivate within any specified time.

(e) Exterior audible or visual alarm devices for burglar alarms shall be clearly differentiated from fire alarms so that it is obvious to the average citizen by visual examination which type of alarm system has been activated. A red light may be used to indicate a fire alarm, and a blue light may be used to indicate a burglar alarm. If any bell, horn or siren is used it may also contain a color-coded light on the exterior audible device. When no light is present; bells, horns or sirens for fire and burglar alarms shall be spaced widely apart and shall have a permanent sign with at least two-inch letters on a painted contrasting background posted next to the exterior audible device.

(Ord. of 8-18-87, § I(2-140.1); Ord. of 2-14-89, § I)

Cross reference(s)--City electrician designated superintendent of fire alarm and police signal systems, § 2-136; fire prevention and protection, Ch. 8; police, Ch. 17.

State law reference(s)--Fire alarms and sprinkler systems, M.G.L.A. c. 148, § 26 et seq.; police signal systems, M.G.L.A. c. 268, § 32.

Sec. 14-28. Fire department right of entry.

If a fire alarm has remained active and neither the fire alarm user or one of the two (2) keyholders opens the premises after a reasonable time, fire officials shall have a limited right to enter the premises to inspect for a fire and to deactivate the alarm. If a medical alert alarm is received, immediate entry will be required for responding personnel, and the most expedient entry route shall be used with consideration given to minimizing damage. By using a fire alarm or medical alert system, the user impliedly consents to such a right of entry. The fire or medical alarm's activation is prima facie evidence that a fire or medical emergency exists in the premises, even though neither smoke, flames or a disabled person are immediately discernible upon an examination of the exterior of the premises.

(Ord. of 8-18-87, § I(2-140.2); Ord. of 2-14-89, § I)

Sec. 14-29. Tape dialers prohibited.

So-called "tape dialers" and similar automatic telephonic systems shall not be connected to any police facility or fire station.

(Ord. of 8-18-87, § I(2-140.3); Ord. of 2-14-89)

Sec. 14-30. Penalty.

(a) *Violations of article.* Failure to comply with section 14-29 or paragraphs (a), (b), (c), (d), or (e) of section 14-27 shall be punishable by a fine of twenty-five dollars (\$25.00). Section 14-27(b) violations shall be assessed to the alarm monitoring company defined under section 14-26 "alarm device" (b). All other penalties shall be assessed to the "alarm user" as defined under section 14-26.

(b) *False alarms.* After the police or fire department has recorded three (3) separate false alarms, per system, as defined under section 14-26 and counted in the aggregate (example: three (3) alarm systems certified in writing would require ten (10) alarms to be false prior to fines being imposed) from an alarm user within the preceding twelve (12) months, the chief of police or fire chief or his designee shall notify the alarm user, in writing, of such facts, including the dates and time of each alleged false alarm. For the fourth false alarm for a single system or three (3) false alarms times the number of alarm systems plus one (1), a twenty-five dollar (\$25.00) fine shall be assessed, and a fifty dollar (\$50.00) fine for each subsequent false alarm within the preceding twelve (12) months. After a period of thirty (30) days from the date of the fine when payment has not been received, then a further penalty of ten dollars (\$10.00) per day shall be assessed.

(c) *[Enforcement of fines.]* These fines may be enforced under the Code of Ordinances, section 1-15 commonly referred to as the "ticketing procedure."

(Ord. of 8-18-87, § I(2-141); Ord. of 2-14-89, § I)

Sec. 14-31. Limitation of liability.

Neither the City of Gloucester nor any of its officers shall be under any obligation or special duty to an alarm user, or to any person hereunder, by reason of this article. The City of Gloucester specifically disclaims liability for any damages which may be caused by failure to respond to an alarm, failure of an alarm device to transmit to the police or fire departments or necessary damages to premises in entering to inspect for fire.

(Ord. of 8-18-87, § I(2-142); Ord. of 2-14-89, § I)

Sec. 14-32. Administrative rules.

The chief of police and fire chief may promulgate such rules as may be necessary for the implementation of this article.

(Ord. of 8-18-87, § I(2-143); Ord. of 2-14-89, § I)

Sec. 14-33. Exceptions.

The provisions of this article shall not apply to the alarm devices owned or controlled by the City of Gloucester, nor to alarm devices installed in a motor vehicle.

(Ord. of 8-18-87, § I(2-144); Ord. of 2-14-89, § I)

Chapter 15 PARKS AND RECREATION*

***Cross reference(s)**--Power of department of public works pertaining to parks and recreation, § 2-283; amusements, Ch. 3.

State law reference(s)--Public parks, M.G.L.A. c. 45, § 2 et seq.; playgrounds, M.G.L.A. c. 45, § 14 et seq.

Sec. 15-35. Gloucester Park and Recreation Commission.

ARTICLE I. IN GENERAL

Secs. 15-1--15-14. Reserved.

ARTICLE II. RESERVED* (Ord. 01-27 Deleted 7/10/01)

ARTICLE II. RECREATION COMMITTEE (Ord. 01-27 7/10/2001)

***Editor's note**--Ord.Ord. of May 13, 1980, § 1. (Ord. 01-27 Deleted 7/10/2001)

Sec. 15-15. Created; membership.

There is hereby establish a recreation committee to consist of five (5) members appointed by the Mayor, with the addition of the Operations Manager of Parks and Recreation serving as an ex-officio member. The appointees shall be chosen, one (1) member, from each of the five (5) wards. The appointees shall be subject to confirmation by the City Council.

Sec. 15-16. Duties.

The Committee shall perform such duties as are consistent in an advisory capacity to the Director of Public Works, the Mayor and the City Council, and shall be responsible for such duties pertaining to administration and management of recreation areas as outlined in this ordinance or those duties as required in the future with the approval by the Mayor and City Council.

The Committee may assist in layout and improvement of public parks, recommend rules for their use and government, assist in determination of requirements for engineers, surveyors, clerks, and other officers, including police presence when necessary. The Committee shall have only such authority as herein given, or later bestowed by the Mayor with the approval of the City Council.

COMMITTEE DUTIES

1. Attendance at meetings - regular, special, etc.
2. Develop and recommend policy for the operation of the department
3. Assist with department and/or City Council studies
4. Recommend staffing requirements for the operation of the department
5. Prepare RFP's and assist in preliminary bid selection for major purchases or projects
6. Serve as ombudsmen for concerned citizens of Gloucester
7. Assist and recommend during annual budget preparation and justification
8. Seek out financial and/or legislative assistance for the department
9. Assist in the hiring of consultants/experts when necessary
10. Develop a personal working relationship between the board and staff that will promote the achievement of department goals.

QUALIFICATIONS OF COMMITTEE MEMBERS

1. They must be U. S. Citizens and residents of Gloucester
2. They must be registered voters, one from each of the five (5) wards
3. They must be appointed by the Mayor and confirmed by the City Council
4. The appointment shall be for a period of three (3) years (Ord. 01-27 7/10/2001)

Secs. 15-17--15-29. Reserved.

ARTICLE III. (PARKS, PLAYGROUNDS AND BALLFIELDS*)

***Editor's note**--An ordinance of Aug. 12, 1986, § I, amended Art. III in its entirety, to read as herein set out. Former Art. III, §§ 15-30--15-32, pertained to park and

playground regulations and derived from Code 1970, §§ 10-17, 12-6; Ord.Ord. of Sept. 13, 1977, § 1; Ord. of June 5, 1979, § I; and Ord. of Dec. 20, 1983, § 1. Ord. 01-27 Deleted 7/10/2001)

ARTICLE III. PARKS, PLAYGROUNDS, BALLFIELDS, AND BEACHES (Ord. 01-27 7/10/2001)

Sec. 15-30. Applicability.

The provisions of this article are applicable to all the parks, playgrounds, ballfields and beaches as listed below:

Alto Park (Ord. 01-27 7/10/2001) Babson Playground (Becker Field (Ord. 01-27 Deleted 7/10/2001)
Ben Smith Playground
Boudreau Field
Brown's Field
Burke Playground
Burnham's Field
Ciaramitaro/Gemellaro Playground (Ord. 01-27 7/10/2001)
East Gloucester School Field
<u>Eastern Avenue School Ballfield</u>
Earl Rice Ballfield Fisherman's Park (Ord. 01-27 7/10/2001) Fitz Hugh Lane Park (Ord. 01-27 7/10/2001) (Fort Square Playground (Ord. 01-27 Deleted 7/10/2001) (Franklin Park (Ord. 01-27 Deleted 7/10/2001)
Governor's Hill Park
Green Street Field
Gus Foote Park (Ord. 01-27 7/10/2001) Keith Trefry Park (Ord. 01-27 7/10/2001) Kettle Cove Field (Ord. 01-27 7/10/2001) Knowlton Park (Ord. 01-27 7/10/2001)
Little River Park (Ord. 01-27 7/10/01) Lobster Cove Shore Road Basketball Court (Ord. 01-27 7/10/2001) Magnolia Woods Park and Fields (Ord. 01-27 7/10/2001) Mattos Field Middleton Playground (Mini Park Ord. 01-27 Deleted 7/10/2001)
Newell Stadium
Palazola Playground
Parisi Field
Parsons Playground (Plum Cove Field Ord. 01-27 Deleted 7/10/2001) (Rafe's Chasm Park Ord. 01-27 Deleted 7/10/2001) Rafe's Chasm Park (Ord. 02-42, 9/24/2002)

Seppala Field (Ord. 01-27 7/10/2001)
Solomon Jacob Park (Ord. 01-27 7/10/2001)
Stage Fort Park
Surf Park (Ord. 04-01 3/29/04)
Swinson Field
Veterans Memorial Playground
Vieira Park (Ord. 01-27 7/10/2001)
Crab Beach (Ord. 01-27 7/10/2001)
Cressey Beach (Ord. 01-27 7/10/2001)
Good Harbor Beach (Ord. 01-27 7/10/2001)
Gray's Beach (Ord. 01-27 7/10/2001)
Half Moon Beach (Ord. 01-27 7/10/2001)
Niles Beach (Ord. 01-27 7/10/2001)
Pavilion Beach (Ord. 01-27 7/10/2001)
Plum Cove Beach (Ord. 01-27 7/10/2001)
Wingaersheek Beach (Ord. 01-27 7/10/2001)

(Ord. of 8-12-86, § I; Ord. No. 12-1995, § I, 1-10-95)

Sec. 15-31. Schedule of operations.

(All parks, playground and ballfields shall be closed and may not be used between the hours of 8:30 p.m. and 9:00 a.m. daily with the exception of Mattos Field and Stage Fort Park which may be kept open until 10:00 p.m. and Middleton Playground which may be kept open to 9:00 p.m. only at the discretion of the public works director for seasonal league play. Ord. 01-27 Deleted 7/10/2001)

All parks, playgrounds, ballfields, and beaches shall be closed and may not be used between the hours of 9:00 p.m. and 8:00 a.m.daily with the exception of Mattos Field and Stage Fort Park which may be kept open until 10:00 p.m., at the discretion of the Public Works Director for seasonal league play. (Ord. 01-27 7/10/2001)

(Ord. of 8-12-86, § I; Ord. No. 12-1995, § I, 1-10-95)

Sec. 15-32. Scheduling of facilities.

(a) Leagues, groups, companies and individuals desiring to use a facility for organized activities, sports and other events must schedule, reserve, and be issued a permit for the use of the particular facility through the appropriate division of the department of public works.

(b) The beach and recreation division of the department of public works shall be responsible for scheduling and permitting all organized activities and events at all facilities except Stage Fort Park.

(c) The public properties division of the department of public works shall be responsible for scheduling and permitting all organized activities and events at Stage Fort Park.

(d) All organized activities that are permitted and scheduled for all facilities will be so arranged as to begin after 9:00 a.m. and terminate before 9:00 p.m. except sleeping or camping as permitted by the department of public works. Ord. 01-27 Deleted 7/10/2001)

(a) Leagues, groups, companies and individuals desiring to use a (facility for organized activities, sports, social, and other events must schedule, reserve, and be issued a permit for the use of the particular facility through the appropriate division of the Department of Public Works.

(b) The Parks and Recreation Division of the Department of Public Works shall be responsible for scheduling and permitting all organized activities and events at all facilities.

(c) All organized activities that are permitted and scheduled for all facilities will be so arranged as to begin after 8:00 a.m. and terminate before 9:00 p.m. except sleeping, camping, and seasonal league play, as permitted by the Department of Public Works. (Ord. 01-27 7/10/2001)

(Ord. of 8-12-86, § I)

Sec. 15-33. Fee schedule.

(All costs involved in the use of the city's parks, playgrounds and ballfields such as for police enforcement and maintenance requirements shall be paid by the permit holder. Ord. 01-27 Deleted 7/10/2001)

All costs involved in the use of the city's parks, playgrounds, ballfields, and beaches such as for police enforcement and maintenance requirements shall be paid by the permit holder. (Ord. 01-27 7/10/2001)

(Ord. of 8-12-86, § I)

Sec. 15-34. Use and activities restrictions.

(a) No unauthorized vehicles, including but not limited to off-road vehicles, motorcycles, motorbikes and mopeds, shall be allowed to enter upon the recreational grounds of any park, playground or ballfield.

(b) Dogs and other pets shall be prohibited from being on the grounds of any park, playground or ballfield unless under control of the owner or keeper in accordance with the City of Gloucester Dog Control Ordinance.

(c) The use or introduction of alcoholic beverages on any playground, park or ballfield is prohibited, except when properly licensed to do so in accordance with state law and local ordinance, subject to the approval of the director of public works in accordance with section 15-32(b) and (c) as noted hereinabove.

(d) Rubbish, trash and litter shall be deposited in barrels or other containers as may be provided. Leagues, groups, companies and individuals who schedule and reserve a facility are responsible for policing the grounds at the conclusion of the scheduled activity.

(e) No fires of any type are allowed at any parks, playgrounds or ballfields except barbecue fires conducted at designated locations. All coals must be completely extinguished and deposited in designated containers.

(f) Sleeping or camping in a park, playground or ballfield is prohibited during the hours of 9:00 p.m. to 9:00 a.m. except as scheduled and permitted by the department of public works. Ord. 01-27 Deleted 7/10/2001)

(a) No unauthorized vehicles, including but not limited to off-road vehicles, motorcycles, motorbikes and mopeds, shall be allowed

- to enter upon the recreational grounds of any park, playground, (ballfield Ord. 02-03, Delete, 01/22/02), or beach.
- (b) Dogs and other pets shall be prohibited from being on the grounds of any park, playground, (ballfield Ord. 02-03, Delete, 01/22/02), or beach unless under control of the owner or keeper in accordance with the City of Gloucester Dog Control Ordinance.
 - (c) The use or introduction of alcoholic beverages on any playground, park, (ballfield, Ord. 02-03, Delete 1/22/02) or beach is prohibited, except when properly licensed to do so in accordance with state law and local ordinance, subject to the approval of the Director of Public Works in accordance with section 15-32 (b) as noted hereinabove.
 - (d) Rubbish, trash, and litter shall be deposited in barrels or other containers as may be provided. Leagues, groups, companies and individuals who schedule and reserve a facility are responsible for policing the grounds at the conclusion of the scheduled activity.
 - (e) No fires of any type are allowed at any parks, playgrounds, (ballfields, Ord. 02-03 Delete, 01/22/02) or beaches except barbecue fires conducted at designated locations within Stage Fort Park. All coals must be completely extinguished and deposited in designated containers.
 - (f) Sleeping or camping in a park, playground, ballfield, or beach is prohibited during the hours of 9:00 p.m. to 8:00 a.m. except as scheduled and permitted by the Department of Public Works. Ord. 01-27 7/10/2001)

(Ord. of 8-12-86, § I)

Cross reference(s)--Dog control, § 4-15 et seq.

Sec. 15-35. Gloucester Park and Recreation Commission.

- (a) The commission shall consist of five (5) members appointed by the mayor, with the addition of the director of beach and recreation serving as an ex-officio member. The appointees shall be chosen, one (1) member, from each of the five (5) wards. The appointees shall be subject to confirmation by the city council.
- (b) Commission authority is as follows:
 - (1) The commission shall perform such duties as are consistent in an advisory capacity to the director of public works, the mayor and the city council, and shall be responsible for such duties pertaining to administration and management of recreation areas as outlined in this section or those duties as required in the future with the approval by the mayor and city council.
 - (2) The commission may assist in layout and improvement of public parks, recommend rules for their use and government, assist in determination of requirements for engineers, surveyors, clerks and other

officers, including police presence when necessary. The commission shall have only such authority as herein given, or later bestowed by the mayor with the approval of the city council.

(c) Commission duties [are as follows]:

- (1) Attendance at meetings - regular, special, etc.
- (2) Develop and recommend policy for the operation of the department.
- (3) Assist with department and/or city council studies.
- (4) Recommend staffing requirements for the operation of the department.
- (5) Prepare RFPs and assist in preliminary bid selection for major purchases or projects.
- (6) Serve as ombudsmen for concerned citizens of the city.
- (7) Assist and recommend during annual budget preparation and justification.
- (8) Seek out financial and/or legislative assistance for the department.
- (9) Assist in the hiring of consultants/experts, when necessary.
- (10) Develop a personal working relationship between the board and staff that will promote the achievement of department goals.

(d) Qualification of commissioners [are as follows]:

- (1) They must be U.S. citizens and residents of the city.
- (2) They must be registered voters, one from each of the five (5) wards.
- (3) They must be appointed by the mayor and confirmed by the city council.
- (4) The appointment shall be for a period of three (3) years.

(Ord. No. 26-1999, § I, 9-14-99)

Sec. 15-36. Revolving Account

(A revolving account is established in accordance with MGL, Chapter 44, Section 53D "Recreation and park self-supporting service revolving funds, creation, authorization of funds, annual report and revocation of provisions" for the use of summer camp fees which will be subject to annual authorization by vote of the Gloucester City Council. (Ord. 02-31 7/9/2002) (Ord. 03-11 Delete 2/20/2003)

A revolving account is established in accordance with MGL, Chapter 44, Section 53D "Recreation and park self-supporting service revolving funds, creation, authorization of funds, annual report and revocation of provisions" for the use of recreation program fees which will be subject to annual authorization by vote of the Gloucester City Council. (Ord. 03-11 2/20/2003)

Chapter 16 PLANNING*

***Charter reference(s)**--Council commission on planning and development, section 2-9; planning and community development, section 5-1 et seq.; community development department, section 5-3; designer selection committee, section 5-4; city building committee, section 5-5.

Cross reference(s)--Administration, Ch. 2; buildings and building regulations, Ch. 5; streets, sidewalks and other public places, Ch. 21.

State law reference(s)--Planning generally, M.G.L.A. c. 41, § 81A et seq.

ARTICLE I. IN GENERAL

Sec. 16-1. Grant applications.

Prior to filling any grant application on behalf of the City of Gloucester, such application shall be submitted to the city council for its approval. If, however, a grant applicant first becomes aware of the availability of a grant which has an application deadline prior to the next regularly scheduled city council meeting, the applicant may file the grant application without prior city council approval. The applicant must immediately seek city council approval at the next regularly scheduled city council meeting following the application deadline and filing of the application.

(Ord. of 10-5-93, § I)

Secs. 16-2--16-14. Reserved.

ARTICLE II. PLANNING BOARD*

***Charter reference(s)**--Planning board, section 5-2.

Cross reference(s)--Boards, commissions, councils and committees generally, § 2-400 et seq.

State law reference(s)--Planning boards, M.G.L.A. c. 41, §§ 70--72, 81A--81GG.

Sec. 16-15. Composition; appointment; and terms of members.

There shall be a planning board to consist of seven (7) members, appointed by the mayor and confirmed by the city council to staggered terms of five (5) years. Members of the planning board shall be residents of the city.

(Code 1970, § 15-13)

Sec. 16-16. Vacancies.

Vacancies occurring in the board shall be filled by appointment by the mayor. Appointees to fill vacancies shall hold office for the unexpired term.

(Code 1970, § 15-14)

Sec. 16-17. Officers.

The planning board shall annually elect a chairman and vice-chairman from its members and give notice to the city clerk of such election.

(Code 1970, § 15-15)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.

Sec. 16-18. Powers and duties.

The planning board shall exercise such duties and have such powers as are given to planning boards by law.

(Code 1970, § 15-16)

Sec. 16-19. Study of conditions and recommendations to city council.

It shall be the duty of the board to make a careful study of the city as provided by M.G.L.A. c. 41, relating to planning boards, and to report its findings to the city council with such recommendations and suggestions as in its judgment it believes best adapted to the present conditions and the future needs of the city; provided, however, that no expenditures shall be made or contracts awarded until first there shall have been obtained an appropriation fully sufficient to cover the same from the city council.

(Code 1970, § 15-17)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 70.

Sec. 16-20. Annual report.

The planning board shall annually make a written report of its activities to the mayor.

(Code 1970, § 15-18)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 71.

Secs. 16-21--16-29. Reserved.

ARTICLE III. CONSERVATION COMMISSION*

***Cross reference(s)**--Boards, commissions, councils and committees, § 2-400 et seq.; conservation commission to promulgate rules and regulations relating to marshlands, § 12-19.

Sec. 16-30. Created.

There is hereby created a conservation commission under the authority of M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-328)

Sec. 16-31. Composition; appointment; terms of members.

The conservation commission shall consist of seven (7) members, all of whom shall be residents of the city and all of whom shall be appointed by the mayor, subject to approval of the city council, to staggered terms of three (3) years.

(Code 1970, § 2-329)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Sec. 16-32. Powers and duties.

The conservation commission shall have all the duties and powers given to conservation commissions by M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-330)

Sec. 16-33. Condemnation of land or water upon commission's request.

(a) For the purposes of this article, the city may, upon the written request of the conservation commission, take, by eminent domain under M.G.L.A. c. 79, the fee or any lesser interest in any land or waters located in the city, provided the taking has first been approved by two-thirds vote of the city council, which land and water shall thereupon be under the jurisdiction and control of the conservation commission.

(b) No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by M.G.L.A. c. 252, or restrict any established public access.

(c) Lands used for farming or agriculture, as defined in M.G.L.A. c. 128, § 1A shall not be taken by eminent domain under the authority of this section.

(Code 1970, § 2-331)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Sec. 16-34. Rules and regulations; penalty for violations thereof.

The conservation commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars (\$100.00), for any violation thereof.

(Code 1970, § 2-332)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Secs. 16-35--16-44. Reserved.

ARTICLE IV. RESERVED*

***Editor's note**--An ordinance of May 27, 1986, § I, repealed Art. IV, §§ 16-45--16-48, pertaining to the downtown development commission, as derived from Code 1970, §§ 2-414--2-417.

Secs. 16-45--16-59. Reserved.

ARTICLE V. HISTORIC DISTRICT*

***State law reference(s)**--Historic districts, M.G.L.A. c. 40C.

Sec. 16-60. Purpose.

The purpose of this article is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history or architecture of the city, and through the maintenance and improvement of settings for such buildings and places and the encouragement of designs compatible therewith.

(Ord. of 5-24-77, § 2)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 2.

Sec. 16-61. Created.

There is hereby established under the provisions of M.G.L.A. a historic district to be known as the Gloucester Historic District, which district shall include the area as shown on the plan on file in the city clerk's office.

(Ord. of 5-24-77, § 3)

State law reference(s)--Municipal authority to establish historic districts, M.G.L.A. c. 40C, § 3.

Sec. 16-62. Historic district commission--Established; membership; term of office; office.

(a) There is hereby established, under M.G.L.A. c. 40C, a historic district commission with all the powers and duties of a historic district commission specified in M.G.L.A. c. 40C.

(b) The historic district commission shall consist of seven (7) regular members and two (2) alternate members, appointed by the mayor, subject to confirmation by the city council who shall serve staggered terms of three (3) years. The commission shall include one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Historical Association, one (1) regular member appointed from two (2) nominees submitted by the Boston chapter of the American Institute of Architects and one (1) regular member appointed from two (2) nominees submitted by the Cape Ann Board of Realtors. Two (2) regular members of the commission shall be owners of property within a historic district in the city. All members of the commission, with the exception of that member nominated by the Boston chapter of the American Institute of Architects, shall be residents of the city. Vacancies shall be filled by appointment for the unexpired term. In case of the absence, inability to act or unwillingness to act because of self-interest on the part of a member of the commission, his place shall be taken by an alternate member designated by the chairman. Each member and alternate shall continue in office after the expiration of his term until his successor is duly appointed and qualified. All members shall serve without compensation.

(c) The historic district commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number.

(Ord. of 5-24-77, § 4)

Cross reference(s)--Boards, commissions, councils and committees, § 2-400 et seq.

State law reference(s)--Municipal authority to establish historic district commission, M.G.L.A. c. 40C, § 4.

Sec. 16-63. Same--Duties.

(a) In passing upon matters before it, the historic district commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the commission may in appropriate cases impose dimensional and set-back requirements in addition to those required by applicable Code section, ordinance or by-law. The commission shall not consider interior arrangements or architectural features not subject to public view.

(b) The historic district commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

(Ord. of 5-24-77, § 5)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 7.

Sec. 16-64. Same--Limitations on authority.

(a) Notwithstanding any contrary provision of this article, the authority of the historic district commission shall not extend to control of the following categories of buildings, structures, or exterior architectural features:

(1) Terraces, walks, driveways, sidewalks, and other similar structures, provided the structure is at grade level;

(2) Storm doors and windows, screen doors and windows, window air conditioners, lighting fixtures, antennas, and similar appurtenances;

(3) The color of paint;

(4) Temporary signs and structures, provided, however, that the commission shall have authority to define "temporary signs" and "temporary structures;"

(5) The repair or reconstruction of a building, structure, or exterior architectural feature damaged or destroyed by fire, storm, or other disaster, provided that: the exterior design is found by the commission to be substantially similar to the original and the repair or reconstruction is begun within one (1) year after the damage occurred and is carried on with due diligence.

(b) The authority of the historic district commission shall, however, extend to parking areas used by three (3) or more vehicles, provided any such area is visible from any public or private way within the district.

(Ord. of 5-24-77, § 7; Ord. of 1-22-80, § I; Ord. of 2-21-84, § I)

State law reference(s)--Similar provisions, M.G.L.A. c. 40C, § 8.

Sec. 16-65. Appeals from determinations of historic district commission.

Any applicant aggrieved by a determination of the historic district commission may, within twenty (20) days after the filing of the notice of the determination contested with the city clerk, file a written request with the commission for a review by a person of competence and experience in such matters, designated by the Metropolitan Area Planning Council. The finding of the person or persons making such review shall be filed with the city clerk within forty-five (45) days after the filing of the request and shall be binding on the applicant and on the commission, unless an appeal is sought in court as provided in M.G.L.A. c. 40C, § 12A.

(Ord. of 5-24-77, § 6)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 12.

Chapter 17 POLICE*

***Cross reference(s)**--Offenses generally, § 14-1 et seq.; alarm systems, § 14-26 et seq.; Ch. 14; traffic and motor vehicles, Ch. 22.

State law reference(s)--Police generally, M.G.L.A. c. 147.

ARTICLE I. IN GENERAL

Sec. 17-1. Administration of waterways.

(a) *Police department.* [The following duties shall be the responsibility of the police department in the administration of waterways:]

- (1) Enforce all Massachusetts Commonwealth laws while patrolling the city waterways.
- (2) Operate, maintain and manage equipment and vessels assigned (Police boat/fire boat).
- (3) Investigate, prosecute criminal activity on waterways and waterfront in cooperation with other members of the Gloucester Police Department and other law enforcement agencies, USCG, etc.
- (4) Make arrests on water.
- (5) Report to the chief of police.
- (6) Assist the fire department, US Coast Guard with fire prevention and suppression, law enforcement, hazardous materials investigations and emergency medical services.
- (7) Check on lobster violations under the city ordinance and state laws. Enforce Chapter M.G.L.A. 130, Sections 31, 17, 18, 18a, 39, 41, 41a, 43, 44, marine fisheries laws: Destruction of weir-fish trap; lobster and crab licenses; markings on buoys--exhibition of license; display of license numbers and buoy colors; hours of tending traps; taking of female lobsters with eggs; possession of short lobsters.
- (8) Check properties on islands not accessible from land.

(b) *Joint duties.* [The following duties shall be the joint responsibility of the police department and the harbormaster in the administration of waterways.]

- (1) Enforce waterways laws, ordinances and rules and regulations (MGL Chapter 40, Section 21D (Fines and Ticketing) and Gloucester Code section 1-15 and MGL Chapter 90B, Sections 1--19 (Motorboats and other vessels) and other enforcement per M.G.L.A. 102, Chapter 17-28 (shipping and Seaman, Harbor and Harbormasters).

Police: Plus all other applicable city and state laws.

- (2) Patrol city waterways.

Police: Enforce all Mass. Laws.

- (3) Respond to emergencies within scope, training and resources.
- (4) Operate, maintain and manage equipment and vessels assigned (Police boat/fire boat--police; Harbormaster boat--harbormaster).

(5) Coordinate with other agencies and assist within scope, training and resources.

(6) Observe water quality, assist appropriate agencies.

(7) Assist in keeping navigation channels clear, keep harbor free of debris.

Harbormaster: Primary responsibility.

(8) Patrol major events to promote and protect public safety--Fiesta, 4th of July, schooner races, etc.

Police: Other occasions as directed by chief of police.

(9) Issue citations on water.

(10) Enforce the BWI, make arrests and bring complaints to court.

(Ord. No. 19-1995, § I, 3-7-95)

Editor's note--Nonamendatory Ord. No. 19-1995, § I, adopted March 7, 1995, has been included herein as section 17-1 at the discretion of the editor.

Cross reference(s)--Relationship to the harbormaster and city staff, § 10-5.

Secs. 17-2--17-14. Reserved.

ARTICLE II. POLICE DEPARTMENT*

***Cross reference(s)**--Departments generally, § 2-260 et seq.; enforcement of traffic and motor vehicles chapter by police officers, § 22-20; authority of police officers to direct traffic, § 22-21; right of way of police patrol vehicles, § 22-95; authority of police to request a vehicle to move, § 22-147; authority of police to tow vehicles, § 22-241; police to keep records of towed vehicles, § 22-246.

State law reference(s)--Civil service regulations pertaining to police officers, M.G.L.A. c. 31, §§ 58--65; police officers generally, M.G.L.A. c. 41, § 96 et seq.

Sec. 17-15. Definition.

The word "officers," as appearing in this article, shall be construed to include "reserve officers."

(Code 1970, § 16-1)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 17-16. Composition.

The police department shall consist of a chief of police, who shall be the executive head of the police department and shall hold office in accordance with Chapter 382 of the Acts and Resolves of the General Court of 1962, and who shall exercise and perform the duties heretofore provided for the city marshal, six (6) lieutenants, seven (7)

sergeants, and as many police officers with the rank of patrolman as the city council shall deem necessary, and one (1) principal clerk, one (1) senior clerk, one (1) executive/confidential secretary (non-union, nonmanagement status), one (1) confidential secretary, investigations, and one (1) custodian. The city council hereby deems it necessary that the number of regular police officers with the rank of patrolman in the department be no more than sixty-two (62) until otherwise provided. The present authorized complement of full-time officers with the rank of patrolmen is fifty-four (54).

(Code 1970, § 16-2; Ord. of 6-3-76, § 1; Ord. of 12-11-79, § 1; Ord. of 4-8-80, § I; Ord. of 1-26-82, § I; Ord. No. 7-1990, § I, 1-16-90; Ord. No. 60-2000, § I, 4-11-00)

Sec. 17-17. Appointment, terms and removal of officers.

The mayor shall have full and exclusive power to appoint the chief of police and all other police officers and patrolmen who shall hold their offices during the pleasure of the mayor and may be removed by him, provided the same is in accordance with the laws pertaining to civil service. All newly appointed police officers are hereby required to be citizens of the United States and to reside in Gloucester within nine (9) months of their permanent appointment date and for the duration of their employment as a City of Gloucester police officer.

(Code 1970, § 16-3; Ord. No. 5-1992, § I, 2-18-92; Ord. No. 46-1995, § I, 11-14-95)

State law reference(s)--Appointment of municipal police officers, M.G.L.A. c. 31, § 59.

Sec. 17-18. Unlawful use of insignia, etc.

It shall be unlawful for any person, including a constable, to wear, display, possess or make use of in any manner whatsoever, a similarity of or replica of an official police uniform, badge, insignia or any other sign on which appears the word "police"; nor shall any person wear, display or possess a badge, insignia, hat shield or buttons or other sign imitating in any manner the official police badge, hat shield or buttons worn by police officers; nor shall any person, in any other manner by the wearing of any uniform, badge, insignia, hat shield or buttons or other sign, attempt to create or allow to be created by so wearing, the impression in the minds of the public that he is a police officer of the city, unless such person is in fact a regular or reserve officer of the police department.

(Code 1970, § 16-18)

State law reference(s)--Identification cards for municipal police officers, M.G.L.A. c. 41, § 98D.

Sec. 17-19. Firefighters appointed as police officers.

A firefighter may be appointed as a police officer but shall not work as a police officer until he/she is permanently appointed as a police officer and has transferred from the fire department.

(Code 1970, § 16-5; Ord. No. 14-1993, § I, 11-16-93)

Cross reference(s)--Fire department, § 8-15 et seq.

Sec. 17-20. Powers and duties of chief of police.

The chief of police shall be the chief executive officer of the police department and shall be responsible for its discipline and efficiency. He shall have control of the department, its officers and members; the care of the police station; the care and custody of all the property of the city used by the department; and shall keep a record of all its business.

(Code 1970, § 16-6)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.

State law reference(s)--Powers and duties of municipal chiefs of police, M.G.L.A. c. 41, § 98.

Sec. 17-21. Chief of police to act as dog constable.

The chief of police shall have, possess and exercise the powers and duties of the city's dog constable.

(Code 1970, § 16-7)

Cross reference(s)--Dogs, § 2-15 et seq.

State law reference(s)--Dog officers or constables, M.G.L.A. c. 140, § 151 et seq.

Sec. 17-22. Chief to receive complaints and prosecute.

The chief of police shall receive all complaints from the citizens and from the officers of the police department against any breach of the criminal laws, this Code or the other ordinances of the city and shall prosecute all cases, where, in his judgment, there may have been a wilful violation of either.

(Code 1970, § 16-8)

Sec. 17-23. Records of persons arrested and disposal of cases.

The chief of police shall keep a record with a full and complete index, of all persons arrested, birth, age, height, race, residence and the nature of the offense with such other description as may be useful for the identification of such person. When cases are brought before the court, he shall inform himself of the disposal of each case and make a record of the same.

(Code 1970, § 16-17)

Sec. 17-24. Powers and duties of police officers.

(a) Each officer of the police department shall acquaint himself with the business of the department, shall hold himself ready at all times, whenever his services may be required, shall answer the calls and obey the orders of his superior officer and shall make daily reports of his activities and of important facts coming to his knowledge to the chief of police.

(b) Each officer of the police department shall see that not only the laws of the commonwealth, but also that the provisions of this Code and the other ordinances of the city, are observed and enforced.

(Code 1970, § 16-10)

State law reference(s)--Powers and duties of municipal police officers, M.G.L.A. c. 41, § 98.

Sec. 17-25. Acceptance of gifts, etc., by officers.

No police officer shall, directly or indirectly, accept from any person, either liable to arrest or complaint, or in custody, or after discharge from custody, nor from any friend of such person, any gratuity, gift or reward whatsoever, or accept, from any person, money or other compensation for services rendered while on duty.

(Code 1970, § 16-11)

State law reference(s)--Bribery and corruption of municipal employees, M.G.L.A. c. 268A, §§ 2--4.

Sec. 17-26. Officers acting as bail or surety.

No police officer, regular or reserve, other than the chief of police, shall, except at the express request of the trial judge, become bail or surety in any criminal proceeding in the District Court of Eastern Essex or in any criminal proceeding in any other court relating to an offense alleged to have been committed within the territory of which the district court has jurisdiction.

(Code 1970, § 16-12)

Sec. 17-27. Return of city property when member leaves office.

When any police officer resigns or is discharged or in any way vacates his office, he shall deliver all city property in his possession to the chief of police or officer in charge.

(Code 1970, § 16-13)

Sec. 17-28. Suspension of police officers.

The chief of police shall have the power to suspend any police officer for cause, and shall immediately notify the mayor of any action taken. Any suspension under this section made by the chief of police shall be in accordance with the rules governing civil service.

(Code 1970, § 16-4)

Sec. 17-29. Mutual aid program.

A city or town which accepts this section may enter into an agreement with another city or town, or other cities and towns, to provide mutual aid programs for police departments to increase the capability of such departments to protect the lives, safety, and property of the people in the area designated in the agreement. Said agreement may include the furnishing of personal services, supplies,

materials, contractual services, and equipment when the resources normally available to any municipality in the agreement are not sufficient to cope with a situation which requires police action. (MGL reference, Ch. 40, Sec. 8G) (Ord. 03-23, 5/13/2003)

Chapter 18 SCHOOLS*

***Cross reference(s)**--Use of automatic amusement devices by schoolchildren, § 3-32.

State law reference(s)--Public schools, M.G.L.A. c. 71. _____

ARTICLE I. IN GENERAL

Sec. 18-1. Compulsory attendance.

All children residing in the city shall attend school in accordance with M.G.L.A. c. 76.

(Code 1970, § 17-1)

Sec. 18-2. General duties of supervisor of attendance.

The duties of the supervisor of attendance shall be as prescribed in M.G.L.A. c. 76, § 20.

(Code 1970, § 17-2)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.

State law reference(s)--Appointment of supervisor of attendance, M.G.L.A. c. 76, § 19.

Sec. 18-3. Record and report of supervisor of attendance.

It shall be the duty of the supervisor of attendance to keep a full record of his official acts and activities, and make an annual report thereof to the school committee, which may publish the same with its report.

(Code 1970, § 17-3)

Sec. 18-4. Vaccination of pupils.

(a) The school physician of the city shall vaccinate such pupils of the public schools or applicants for admission as the school committee may direct, provided, that such persons have not been successfully vaccinated within three (3) years. He shall give certificates of vaccination when same are required for admission to the public schools.

(b) The school physician shall perform the services required by this section without charge, except that his actual expenses may be allowed.

(Code 1970, § 17-4)

State law reference(s)--Vaccination required for admission to public school, M.G.L.A. c. 76, § 15.

Sec. 18-5. Protection of school grounds and buildings.

Whosoever enters upon the school grounds or buildings in the city without authority, after the hours of darkness, and at such time as no public activity is scheduled, or no permission has been granted for an activity, or during daylight hours when school is not in session or occupies the steps or covered entry ways, shall be deemed a trespasser.

(Code 1970, § 17-5)

Sec. 18-6. Dogs in school grounds or buildings; fines.

(a) No person owning, harboring or having custody of a dog shall allow any such dog on school grounds or in school buildings from one (1) hour before the opening of school until the closing of school on days when schools are in session.

(b) Any person violating the provisions of subsection (a) shall be fined in accordance with M.G.L.A. c. 140, § 173A.

(Ord. of 2-20-75, § 1)

Cross reference(s)--Dogs generally, § 4-15 et seq.

Secs. 18-7--18-19. Reserved.

ARTICLE II. SCHOOL COMMITTEE*

***Charter reference(s)**--Provisions relating to school committee, section 4-1 et seq.

Cross reference(s)--Boards, commissions, councils and committees generally, § 2-400 et seq.

State law reference(s)--School committee, M.G.L.A. c. 43, § 31 et seq.

Sec. 18-20. Election; term.

The school committee shall be elected in the manner and for the term provided in M.G.L.A. c. 43, § 31.

(Code 1970, § 17-15)

Sec. 18-21. Annual estimate of financial requirements.

The school committee shall present to the mayor annually, an estimate in writing of the financial requirements of the public schools for the following year, in accordance with M.G.L.A. c. 44.

(Code 1970, § 17-16)

State law reference(s)--Report of estimated expenses, M.G.L.A. c. 44, § 31A.

Sec. 18-22. Record and report of receipts and expenditures.

The school committee shall keep an accurate record of all receipts and expenditures and shall make a full report annually to the mayor.

(Code 1970, § 17-17)

Sec. 18-23. Certification of accounts and claims.

All accounts and claims approved by the school committee shall be certified by the secretary of the committee.

(Code 1970, § 17-18)

Sec. 18-24. Function as to improved or additional accommodations.

The school committee shall be the original judge of the expediency and necessity of having additional or improved accommodations for any of the public schools within the corporate limits of the city, and whenever, in its opinion, a school building is required, or material alterations needed, it shall forward a communication to the city council, stating the locality and the nature of the provisions desired.

(Code 1970, § 17-19)

State law reference(s)--Similar provisions, M.G.L.A. c. 43, § 34.

18-25--18-34. Reserved.

ARTICLE III. VOCATIONAL SCHOOL*

***State law reference(s)**--Vocational schools, M.G.L.A. c. 74, § 1 et seq.

Sec. 18-35. Established.

The Gloucester Vocational School, comprising day and evening vocational classes, is hereby established in compliance with and under the provisions of M.G.L.A. cs. 69 and 74.

(Code 1970, § 17-30)

Sec. 18-36. Management and control.

The entire management and control of the vocational school and of all property pertaining to the same shall be vested in the school committee.

(Code 1970, § 17-31)

Sec. 18-37. Officers and teachers.

The school committee shall provide all necessary officers and teachers for the vocational school.

(Code 1970, § 17-32)

State law reference(s)--Employment of teachers for vocational education, M.G.L.A. c. 74, § 22E.

Sec. 18-38. To be operated in such manner as to entitle city to reimbursement by commonwealth.

The school committee shall so conduct the affairs of the vocational school and shall do all things in connection therewith in such manner as to entitle the city to be reimbursed by the commonwealth as provided by law.

(Code 1970, § 17-33)

Sec. 18-39. Cooperation with industry.

The school committee shall enter into such arrangements of cooperation with proprietors of the various industries of the city as the school committee shall deem expedient in the operation of the vocational school.

(Code 1970, § 17-34)

Sec. 18-40. Appropriations; records and accounts to be kept.

All appropriations necessary for the maintenance of the vocational school shall be included in the annual budget for the care and maintenance of city schools. The school committee shall cause to be kept an accurate record of its acts in relation to the school, and shall keep a full itemized account of the receipts and expenditures which relate to the maintenance of the school.

(Code 1970, § 17-35)

Chapter 19 SECONDHAND GOODS*

***Cross reference(s)**--Hawkers and peddlers, Ch. 11.

ARTICLE I. IN GENERAL

Sec. 19-1. License fees.

The following license fees shall be assessed by the city, collected by the city clerk's office and shall expire on the first day of May of each year, for dealers in the following items:

- (1) Secondhand furniture and articles . . . \$20.00
- (2) Old gold . . . 20.00

- (3) Junk . . . 20.00
- (4) Antiques . . . 20.00
- (5) Auctioneer permits:
 - a. Annual permits . . . 200.00
 - b. Special permit, per day (to include rain date) for one-day, site specific auction (not to exceed ten (10) dates in a calendar year) . . . 25.00

(Code 1970, § 2-16(c); Ord. No. 22-1996, § I, 7-9-96)

Secs. 19-2--19-14. Reserved.

ARTICLE II. JUNK DEALERS, ANTIQUE DEALERS AND DEALERS IN USED GOODS*

***Cross reference(s)**--Dismantled, wrecked, etc., motor vehicles, § 9-9.

State law reference(s)--Junk dealers generally, M.G.L.A. c. 140, §§ 54, 56, 202--205; control of certain junkyards, M.G.L.A. c. 140B.

DIVISION 1. GENERALLY

Sec. 19-15. Sign to be displayed.

Every keeper of a shop licensed under this article shall place, in some suitable and conspicuous place on his shop, a sign having his name and occupation legibly inscribed thereon in large letters.

(Code 1970, § 11-1; Ord. of 5-27-76, § 1)

Sec. 19-16. Identification of vehicles used in business.

Every vehicle, including boats, used in the exercise of the business of any person licensed under this article shall have placed, upon the outside and upon each side, the number of the license and name of the owner thereof, in plain, legible figures and letters, of not less than three (3) inches in size, and so that the same may be distinctly seen and read.

(Code 1970, § 11-2; Ord. of 5-27-76, § 1)

Sec. 19-17. Examination of shop, inventory, vehicles, etc.

Every shop licensed under this article and all articles of merchandise therein, and any place, vehicle or receptacle used for the collection or keeping of junk, old metals, antiques, secondhand articles, may be examined at any time by the mayor and members of the police department.

(Code 1970, § 11-3; Ord. of 5-27-76, § 1)

Sec. 19-18. Record of purchases.

(a) Every person licensed under this article shall keep a book in which shall be written, in the English language, at the time of every receipt or purchase, a description of the article purchased, the name, age and residence of the person from whom and the day and hour when such purchase was made. Such book shall at all times be open to the inspection of the mayor and members of the police department.

(b) The person licensed to sell goods under this article shall be required to present proper identification and further required to sign a form, under penalty of perjury, containing a statement that the goods being sold together with their description are the legal property of the seller.

(c) A copy of the form required by subsection (b) shall be forwarded by the purchaser to the police department and the mayor for their files.

(Code 1970, § 11-4; Ord. of 5-27-76, § 1)

Sec. 19-19. Articles not to be sold until thirty days after purchase or receipt thereof.

No item purchased or received by a person licensed under this article shall be sold until a period of at least thirty (30) days from the date of the purchase or receipt of same shall have elapsed.

(Code 1970, § 11-5; Ord. of 5-27-76, § 1)

Sec. 19-20. Receipt of articles from minors.

No person licensed as required by this article shall, directly or indirectly, either purchase or receive by way of barter or exchange, any of the articles mentioned herein from any minor.

(Code 1970, § 11-6; Ord. of 5-27-76, § 1)

Sec. 19-21. Responsibility of dealer for violations.

Every person licensed under this article shall be responsible for all persons employed by him in the business. Any violation of this article or of the terms of the license by any employee of such dealer, or by any person upon the licensed premises, shall be construed to be a violation of the terms of this article or of the license by the dealer.

(Code 1970, § 11-7; Ord. of 5-27-76, § 1)

Secs. 19-22--19-29. Reserved.

DIVISION 2. LICENSE

Sec. 19-30. Required.

(a) Every person keeping a shop for the purchase, sale or barter of junk, antiques, old metals or secondhand articles, and every person collecting, by purchase or otherwise, junk, antiques, old metals or secondhand articles, from place to place, shall be licensed by the licensing commission whether any such collector is engaged in business in his own behalf or employed by another.

(b) Every person maintaining a junkyard shall be subject to this division and shall obtain a license in accord herewith. For the purposes of this section a "junkyard" is any open area which has discarded articles, metal, unregistered vehicles, automotive parts, machinery parts, household items or other scrap material. An accumulation of such items on private property constitutes the maintenance of a junkyard and requires a license under this division.

(Code 1970, § 11-19(a), (b))

State law reference(s)--Municipal authority to license junk dealers, M.G.L.A. c. 140, § 54.

Sec. 19-31. Applicant to present receipt from sealer of weights and measures.

No license shall be issued under this division, unless the applicant presents a receipt from the sealer of weights and measures showing that the weights and measures used by him have been properly inspected, tested and sealed immediately preceding the issuance of his license.

(Code 1970, § 11-21; Ord. of 5-27-76, § 1)

Cross reference(s)--Weights and measures, Ch. 26.

Sec. 19-32. Fee.

For every license under this division there shall be paid to the city clerk the following sums, which sums shall be deposited with the city clerk at the time of issuing the license.

Antique dealer . . . \$35.00

Junk collector and dealer . . . 50.00

Secondhand furniture . . . 50.00

(Code 1970, § 11-22; Ord. of 5-27-76, § 1; Ord. No. 123-1998, § I, 9-29-98)

Sec. 19-33. Form.

(a) All licenses granted under this division shall set forth the name of the licensee, the nature of the business and shall designate the place where the licensee may carry on his business. The licensee shall not carry on the business at any other place within the city.

(b) All the provisions of this article shall be incorporated into each license granted under this division.

(c) All licenses issued under this division shall contain a clause stipulating that the licensee agrees to abide by and be subject to all the provisions of this

article or any section of this Code or other ordinance which may be adopted by the city council relating to the sale of junk, antiques, old metal and secondhand articles.

(Code 1970, §§ 11-24--11-26; Ord. of 5-27-76, § 1)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 202.

Sec. 19-34. Issuance; signing; recordation.

The city clerk, as clerk of the licensing commission, shall issue and sign the licenses required by this division. The clerk shall keep a record of all licenses so issued.

(Code 1970, § 11-23)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 202.

Sec. 19-35. Expiration.

All licenses issued under this division shall expire on the first day of May, annually, unless otherwise provided for by law.

(Code 1970, § 11-27; Ord. of 5-27-76, § 1)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 202.

Sec. 19-36. Suspension.

(a) Violation of any section of this article shall cause suspension of the license for sixty (60) days for the first offense, one (1) year for the second offense and a permanent suspension for the third offense.

(b) More than one (1) violation at any one time shall cause suspension of the license permanently.

(Code 1970, § 11-19(c), (d); Ord. of 5-27-76, § 1)

Sec. 19-37. Revocation--Generally.

Any license granted under this division may be revoked and annulled at any time by the licensing commission. No such license, or anything done, or right acquired by virtue of the same, shall entitle any person to a continuance of such license, permission or thing done, or right acquired.

(Code 1970, § 11-28; Ord. of 5-27-76, § 1)

State law reference(s)--Revocation of such licenses, M.G.L.A. c. 140, § 54; recordation of revocation and notice thereof to licensee, M.G.L.A. c. 140, § 205.

Sec. 19-38. Same--For keeping intoxicating liquor.

If any intoxicating liquors are found upon any premises licensed under this division the licensing commission shall immediately revoke the license therefor, and no license shall be granted to any person whose license is revoked under this section until at least two (2) years from the date of revocation.

(Code 1970, § 11-29; Ord. of 5-27-76, § 1)

Sec. 19-39. Doing business without license; violating terms of license; etc.

Any person who, not being licensed as required by this division, keeps a shop or conducts a business as if he were licensed under this division, or, being licensed, keeps such shop or conducts such business in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, and any person who violates any rule, regulation or restriction contained in his license, shall be punished as provided in M.G.L.A. c. 140, § 55.

(Code 1970, § 11-30; Ord. of 5-27-76, § 1)

Secs. 19-40--19-49. Reserved.

ARTICLE III. PAWNBROKERS*

*State law reference(s)--Pawnbrokers generally, M.G.L.A. c. 140, §§ 79, 85, 202--205.

DIVISION 1. GENERALLY

Sec. 19-50. Bond.

Every person licensed as a pawnbroker shall execute a bond to the city in the sum of three hundred dollars (\$300.00), with two (2) sureties approved by the city council, and conditioned that the licensee will conform to the requirements of this chapter and the laws of the commonwealth, so far as the same relate to pawnbrokers.

(Code 1970, § 14-1)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 77.

Sec. 19-51. Records to be kept; inspection.

(a) Every pawnbroker shall keep a book in which, at the time of making a loan, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers, of the articles pawned, the amount of money loaned thereon, the time of pawning them, the rate of interest to be paid on such loan, and the name and residence of the person pawning such articles. Such pawnbrokers shall furnish a correct record of all such transactions, containing all such information, once a week to the licensing commission or to any person designated by them. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with his books as part of his records.

(b) The book and articles left for pawn shall at all times be open to the inspection of the mayor, the chief of police, police officers or any person authorized by the mayor in writing, upon exhibition of such written authority to such pawnbroker, to examine them.

(Code 1970, § 14-2)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, §§ 79, 81.

Sec. 19-52. Receiving articles from minors.

No pawnbroker shall, directly or indirectly, receive any article in pawn from any minor, knowing or having reasonable cause to believe him to be such, without the consent in writing of the parent or guardian of such minor.

(Code 1970, § 14-3)

Sec. 19-53. Articles not to be sold until four (4) months after purchase or receipt thereof.

No item purchased or received by a person licensed under this article shall be sold until a period of at least four (4) months from the date of the purchase or receipts of same shall have elapsed.

(Ord. No. 7-1996, § I, 3-19-96)

Secs. 19-54--19-59. Reserved.

DIVISION 2. LICENSE

Sec. 19-60. Required.

No person shall carry on the business of a pawnbroker in the city unless he is duly licensed by the licensing commission.

(Code 1970, § 14-14)

State law reference(s)--Municipal authority to license pawnbrokers, M.G.L.A. c. 140, § 70.

Sec. 19-61. Fee.

The fee for a pawnbroker's license under this article shall be one hundred dollars (\$100.00), which sum shall be deposited with the city clerk at the time of application. Such fee shall be returned if the license is not granted to the person signing the application.

(Code 1970, § 14-15)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 77.

Sec. 19-62. Form.

(a) All licenses granted under this division shall set forth the name of the licensee, the nature of the business and shall designate the place where the licensee may carry on his business. The licensee shall not carry on the business at any other place within the city.

(b) All the provisions of this article shall be incorporated into every license issued under this division.

(c) All licenses issued under this division shall contain a clause stipulating that the licensee agrees to abide by and be subject to all the provisions of this article or any section of this Code or other ordinance which may be adopted by the city council relating to pawnbrokers.

(Code 1970, §§ 14-17, 14-18)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 202.

Sec. 19-63. Issuance; signing; recordation.

The city clerk shall issue and sign the license required by this division, as the clerk of the licensing commission. The clerk shall keep a record of all licenses so issued.

(Code 1970, § 14-16)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 202.

Sec. 19-64. Expiration.

All licenses issued under this division shall expire on the first day of May, annually, unless otherwise provided by law.

(Code 1970, § 14-19)

State law reference(s)--Similar provisions, M.G.L.A. c. 140, § 202.

Sec. 19-65. Revocation; confers no vested right.

Any license granted under this division may be revoked and annulled at any time by the licensing commission. No such license or anything done, or right acquired by virtue of the same, shall entitle any person to a continuance of such license or thing done or right acquired.

(Code 1970, § 14-20)

State law reference(s)--Revocation of such licenses, M.G.L.A. c. 140, § 70; recordation of revocation and notice thereof to the licensee, c. 140, § 205.

Chapter 20 SHELLFISH, SEAWORMS AND EELS*

***Editor's note**--Ord. No. 49-1995, § I, adopted Nov. 28, 1995, amended former Ch. 20, §§ 20-1--20-10, 20-20--20-28, to read as herein set out. Former Ch. 20 pertained to similar subject matter and derived from the Code of 1970 and the following:

<u>Ord. No.</u>	<u>Section</u>	<u>Date</u>	<u>Ord. No.</u>	<u>Section</u>	<u>Date</u>
--	I	<u>10-28-80</u>	--	I	<u>6- 5-84</u>
--	I	<u>2- 2-82</u>		I	<u>7-10-84</u>
--	I	<u>3- 2-82</u>		I	<u>1-22-85</u>

--	l	<u>4-13-82</u>	<u>16-1991</u>	l	<u>5-28-91</u>
--	l	<u>5-18-82</u>	<u>17-1991</u>	l	<u>5-28-91</u>
--	l	<u>11- 9-82</u>	<u>18-1992</u>	l	<u>7- 7-92</u>
--	l	<u>4-19-83</u>			

Cross reference(s)--Animals, Ch. 4; harbors and related tidal waters, Ch. 10.

State law reference(s)--Marine fish and fisheries, M.G.L.A. c. 130; local control of shellfisheries, M.G.L.A. c. 130, §§ 52--56.

ARTICLE I. IN GENERAL

Sec. 20-1. Shellfish constable; deputy shellfish constables.

The mayor shall appoint a shellfish constable in accordance with M.G.L.A. c. 130, § 98, and may appoint two (2) full-time or part-time deputy shellfish constables. Each shellfish constable shall be paid such salary as is established by ordinance. The mayor also may appoint as many unpaid deputy shellfish constables as he deems necessary.

(Ord. No. 49-95, § I, 12-29-95)

Cross reference(s)--Officers and employees generally, § 2-140 et seq.

State law reference(s)--Shellfish constables, M.G.L.A. c. 130, § 98.

Sec. 20-2. Shellfish advisory commission.

(a) *Created; membership; appointment; compensation.* There is hereby created and established in the city a commission to be known as the shellfish advisory commission. The commission shall consist of five (5) members of all whom shall be citizens of the city and shall be appointed by the mayor, subject to confirmation by the city council, and shall be unpaid.

(b) *Terms of members; chairman.* All members of the shellfish advisory commission shall be appointed for three (3) year terms. The commission shall choose one (1) of their members to be chairman.

(c) *Compensation of commission.* The shellfish advisory commission shall consist of three (3) persons from the shellfish industry, the chairman of the conservation commission or his designee and a marine biologist, if available.

(d) *Duties:* The shellfish advisory commission shall advise the mayor and city council on all matters pertaining to shellfish, seaworms and eels. The commission may establish, subject to approval by the city council, a

management plan with rules and regulations relating to the issuance of permits and taking of shellfish, seaworms and eels.

(Ord. No. 49-95, § I, 12-29-95)

reference(s)--Boards, commissions, councils, and committees, § 2-400 et seq.

Sec. 20-3. Definitions.

Bushel: A unit of measure, equivalent to four (4) pecks or sixty (60) pounds.

City: City of Gloucester.

Commonwealth: Commonwealth of Massachusetts.

Full-time student: A student submitting proof of full-time student status, providing school transcript showing full course load, proof of age and parental consent if under age of seventeen (17).

Private grant: A time limited lease of a specified shellfish growing area to one or more individuals.

Resident: A person whose primary residence is the City of Gloucester.

Seaworm: Invertebrate animals belonging to the Phylum Annelida. Specifically, sea worms, sometimes called blood worms or clam worms.

Seed clam: Juvenile shellfish.

Shellfish: Invertebrate animals belonging to the Phylum Mollusca. Specifically, soft shell clam, blue mussel, horse mussel, quahog, ocean quahog, oyster, razor clam, surf clam, bay scallop, sea scallop.

Shellfish industry: Activities involving the cultivation, harvest, processing, selling of shellfish.

Temporary resident: A person who owns real estate in the City of Gloucester or possesses a year-round lease on real estate in the City of Gloucester and who occupies that real estate on at least a seasonal basis.

(Ord. No. 49-95, § I, 12-19-95; Ord. No. 11-96, § I, 4-2-96)

Sec. 20-4. Area set aside for noncommercial taking of shellfish.

The city council does hereby set aside the area of tidal flats located in the city, commencing from a point west of No. 10 nun buoy bordering Annisquam River, thence in a northerly direction to the sand bar opposite Annisquam Light. From this area, shellfish may be taken, for their own family use, by any resident of the commonwealth holding the permit mentioned in section 20-22, and from which area the commercial taking of shellfish is hereby prohibited in accordance M.C.L.A. Chapter 130, Section 52.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-5. Taking shellfish from contaminated areas.

No person shall dig or take shellfish from "prohibited" areas as defined by the Massachusetts Division of Marine Fisheries. No person shall dig or take shellfish from

"Restricted" areas as defined by the Massachusetts Division of Marine Fisheries unless they hold a permit to do so issued under Section 20-21.

(Ord. No. 49-95, § I, 12-29-95)

State law reference(s)--Shellfish in contaminated areas, M.G.L.A. c. 130, § 74 et seq.

Sec. 20-6. Continuing biological evaluation of shellfish flats.

The mayor shall cause a continuing biological evaluation of the shellfish flats to be made by a qualified marine biologist from either the Massachusetts Division of Marine Fisheries or such other qualified marine biologist selected by the mayor. The mayor shall submit the findings and recommendations of the marine biologist to the shellfish advisory commission and to the city council.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-7. Closing of flats for shellfish taking.

The city council may, from time to time, to preserve the shellfish resources, close any flat and prohibit the taking of shellfish for a period not to exceed three (3) years. The areas so closed by the city council shall be plainly marked by stakes and bounds and at each shall be posted a written notice setting out the fact of closing and the period during which such areas shall be closed. After the areas have been so closed and posted, it shall be unlawful for any person to take shellfish therefrom or to injure the flats.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-8. Mill Pond closed for taking of eels from December 1 to April 1.

The taking of eels from the waters of the Mill Pond, in that part of the city called Riverdale, the extent of which pond is shown on a plan in the city engineer's office, is hereby prohibited from December 1 to April 1 in each year.

(Ord. No. 49-95, § I, 12-29-95)

State law reference(s)--Municipal authority to prohibit taking of eels, M.G.L.A. c. 130, § 52.

Sec. 20-9. Removal of shellfish or marine worms at night prohibited.

No person shall dig, take or carry away, shellfish or marine worms between one-half hour after sunset and one-half hour before sunrise from any water, flats, or creeks within the limits and bounds of the city.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-10. Interfering with seeding, cultivation, etc., of oysters.

(The digging, molesting, or in any way interfering with seeding, cultivation and propagation of oysters and their seedlings is hereby prohibited until such time as the division of fisheries and wildlife of the commonwealth determines that the oysters have matured and are ready to be marketed.(Ord. No. 49-95, § I, 12-29-95) deleted ord. 01-05 3/13/2001)

The digging, molesting, or in any way interfering with seeding, cultivation and propagation of shellfish, their seedlings, and equipment is hereby prohibited. (ord. 01-05 3/13/2001)

Sec. 20-11. Penalty for violations of chapter.

The sections of this chapter shall constitute regulations under the authority of M.G.L.A. c. 130, § 2, and each violation of this chapter shall be punished by fine of not less than one hundred dollars (\$100.00) nor more than one thousand (\$1,000.00) dollars. Fines imposed under this section shall be in addition to any suspension or revocation of licenses or permits granted under this chapter. The only exception to the above being that any violation of section 20-30(a) or violation of section 20-30(b) shall be punished as follows:

First offense: One hundred dollars (\$100.00) fine and thirty (30) days loss of license;

Second offense within one year of the first offense: Two hundred dollars (\$200.00) fine and loss of license for ninety (90) days;

Third offense within one (1) year of the second offense: Three hundred dollars (\$300.00) fine and loss of license for one (1) calendar year.

(Ord. No. 49-95, § I, 12-29-95)

Secs. 20-12--20-19. Reserved.

ARTICLE II. PERMITS*

***State law reference(s)**--Municipal authority to issue permits for the taking of shellfish, seaworms and eels, M.G.L.A. c. 130, § 52.

Sec. 20-20. Required--Generally.

Unless otherwise provided by this chapter or the laws of the commonwealth, no person shall dig or take shellfish, seaworms, or eels within the city without a valid permit. Any person who loses their right to take the aforementioned, whether through expiration, suspension or revocation of their permit issued by the commonwealth, by judicial or administrative action or otherwise, shall not later than five (5) days thereafter surrender their municipal permit to the city clerk who shall retain the permit until the termination of the period of revocation, suspension or other loss of right to take shellfish. No municipal permits shall be issued to any person whose aforementioned permits from the commonwealth or permit from this or any other municipality within the commonwealth is under suspension.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-21. Same--For commercial purposes.

(a) The licensing agent may issue permits to take shellfish, seaworms or eels at any place within the city, except the area mentioned in section 20-4 for commercial purposes in accord with the provisions of this section.

(b) To be eligible for a commercial permit under this section, an applicant must be a resident of the City of Gloucester for one (1) consecutive year, prior to June 30, of the year application is made. Such applicant shall complete their permit application and submit it to the licensing agent for review together with any additional information or documentation required by the licensing agent to demonstrate eligibility.

(c) For the purpose of preserving or protecting shellfish, sea worms and eels, the city council from time to time may establish limits on the taking thereof for commercial purposes. Such limits shall apply to such places, whether approved or restricted and for such period of time as the city council may determine.

(d) All commercial permits, including renewal applications, issued under this section shall be issued during the month of June of each year only, effective July first and shall expire on June thirtieth of each year.

(e) Any inhabitant of the Commonwealth of Massachusetts who is not a resident of the city who wishes to apply for a commercial permit to take shellfish from restricted areas only within the city must apply for same during the month of June of each year.

(f) Any full-time student whose primary residence is Gloucester and meeting the requirements of full-time student as defined in section 20-3, "Definitions", may purchase a commercial shellfish permit for one-half (1/2) price.

(Ord. No. 49-95, § I, 12-19-95; Ord. No. 11-96, § II, 4-2-96; Ord. No. 88-1998, § I, 4-29-98)

Sec. 20-22. Same--For noncommercial purposes.

(a) The licensing agent may issue to any resident of the commonwealth of Massachusetts, permits to take, for one's own use, and for the use of one's family and guests, but not for commercial purposes, shellfish, seaworms or eels.

(b) Any resident of the commonwealth who is neither a permanent nor a temporary resident of the city may obtain a daily or annual permit under this section. Nonresidents may also obtain a noncommercial shellfish and seaworm permit. Any resident of the commonwealth who is either a permanent or temporary resident of the city may obtain an annual permit under this section.

(c) A permit issued under this section shall not allow the taking of shellfish, seaworms or eels of a size or at a season prohibited by law.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-23. Taking of seaworms.

(a) It shall be unlawful for any person to take any sea worms from any place within the city except in accord with the provisions of this chapter.

(b) Any resident of the commonwealth who holds a permit issued under section 20-22 may take seaworms subject to the limitations contained in section 20-30(c) and that the worms are to be used as bait for the personal use of the resident and seaworms shall not be taken for commercial purposes. This subsection shall not authorize the taking of sea worms from areas that are closed for municipal cultivation or set aside as private grants.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-24. Same--For commercial purposes.

The licensing agent may issue permits authorizing the commercial taking of sea worms from any areas within the geographical limits of the city and waters thereof, except those areas which are closed for municipal cultivation or set aside as private grants.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-25. Hand held fork to be used in taking shellfish and sea worms.

A hand-held tined type fork is the only implement that may be used for the digging or taking of shellfish and sea worms.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-26. Permit to take eels generally; restrictions as to traps; Fyke nets prohibited.

(a) No trap shall be set in a manner likely to take mammals or be set to block streams or channels. No Fyke special permit to do so.

(b) All traps set for the taking of eels must have owner's identification such as name or last four (4) digits of social security number on the buoy.

(Ord. No. 49-95, § I, 12-29-95; Ord. No. 61-1997, § I, 9-2-97)

Sec. 20-27. Permit for scientific work in coastal waters and flats of city.

(a) No person shall conduct scientific experiments, investigations, research or laboratory work on the coastal waters and flats of the city without obtaining a special permit therefor from the city council.

(b) The only exception to the requirement of this section shall be collection permits granted by the Massachusetts Division of Marine Fisheries for the purpose of conducting scientific experiments. School and scout groups may be exempted when conducting experiments.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-28. Free permit for senior citizens.

Residents seventy (70) years of age and over shall be granted free permits.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-29. Fees.

The following fee schedule (per annum) shall be followed:

(Resident, commercial, shellfish/sea worm . . . \$200.00 Ord. 02-19a Delete, 5/28/2002)

Resident, commercial, shellfish/sea worm . . . \$225.00 (Ord. 02-19a, 5/28/2002)

Resident, commercial, shellfish, full-time student (To be reviewed in two (2) years after the adoption of this amendment) . . . 100.00

Resident, commercial, senior (70+ yrs), shellfish/sea worm, eel . . . free

Resident, commercial, sea worm . . . 40.00

Resident, commercial, eel . . . 30.00

Resident, non-commercial, eel . . . no permit

(Resident, non-commercial, shellfish/sea worm . . . 20.00 Ord. 02-19a Delete, 5/28/2002)

Resident, non-commercial, shellfish/sea worm . . . 20.00 Ord. (02-19a, 5/28/2002)

Resident, non-commercial, senior (70+ yrs) shellfish/sea worm . . . free

Non-resident, commercial, restricted areas, shellfish . . . 400.00

Non-resident, non-commercial, 1 day, shellfish . . . 15.00

Non-resident, non-commercial, shellfish/sea worm . . . 100.00

(Ord. No. 49-95, § I, 12-29-95; Ord. No. 11-96, § III, 4-2-96)

Sec. 20-30. Limits.

(a) *Shellfish, commercial.* Each duly licensed commercial shellfisherman may harvest from approved and conditionally approved areas two hundred (200) pounds (including sack weight) of any or all kinds of shellfish per tide except:

(1) Sea clams (which may not be harvested commercially) where the non-commercial limit shall apply.

(2) Areas periodically designated by the city council as shellfish management areas to which special limitations may apply. When water quality allows for harvesting in the following areas: Cambridge Avenue Beach, Lighthouse Beach, Hodgkins Cove Beach and Plum Cove Beach, that they be seasonally closed for Shellfish Harvesting from June 1 through September 30, inclusive.

In addition, no person shall take or have in their possession soft-shelled clams less than two (2) inches in longest diameter of the shell to the amount more than five (5) percent of any one batch.

(b) *Shellfish, non-commercial.* The amount taken by any individual for their family use shall not exceed fifteen (15) pounds of any kind or all kinds of shellfish

in any one day and shall not exceed sixty (60) pounds in any one (1) calendar week, except that in the case of sea clams, the entire calendar week unit of sixty (60) pounds may be taken in one (1) day. In addition, no person shall take or have in their possession soft-shelled clams less than two (2) inches in longest diameter of the shell to the amount more than five (5) percent of any one (1) batch.

(c) *Sea worms, non-commercial.* Any resident of the commonwealth who holds a permit issued under section 20-22 may take not exceeding one (1) quart of sea worms at any one (1) tide provided the worms so taken are to be used for bait for the personal use of the resident and no commercial use is made of such worms. This subsection shall not authorize the taking of sea worms from areas which are closed for municipal cultivation or set aside as private grants.

(d) *Eels.* Any resident of the City of Gloucester may take eels by the following methods for non-commercial use: Five (5) pots or less, eel spear or angling. The noncommercial limit shall be no more than twenty (20) eels per day.

(Ord. No. 49-95, § I, 12-29-95; Ord. No. 61-1997, § II, 9-2-97; Ord. No. 128-1998, § I, 10-27-98)

Sec. 20-31. Commercial shellfishermen; reciprocity.

Any person who has resided in the city and has held a city commercial shellfish permit who changes their permanent residence to the Town of Essex or Town of Ipswich may apply for a city commercial shellfish permit which shall expire upon said person's having attained one (1) year's residence in the Town of Essex or Town of Ipswich.

(Ord. No. 49-95, § I, 12-29-95)

Sec. 20-32. Public notice.

In order to inform the public on the openings of previously closed shellfish areas that have either been closed due to unacceptable water quality or for conservation purposes, excluding red tide and rain closures, a public notice shall be placed in the local newspaper one (1) week in advance of the opening date.

(Ord. No. 89-1998, § I, 4-29-98)

Chapter 21 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES*

***Cross reference(s)**--Ordinances or resolutions dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city saved from repeal, § 1-7(10); any ordinance establishing or prescribing street grades of any street in the city saved from repeal, § 1-7(13); ascertainment of street grades, levels, boundaries, etc., by city engineer, § 1-129; power of department of public works pertaining to streets, sidewalks and other public places, § 2-283; certain animals not to be at large on streets, § 4-1; buildings and building regulations generally, Ch. 5; furnishing street lines and grades prior to erection or alteration of fences, walls, or buildings, § 5-1; littering prohibited, § 9-7; hawkers and peddlers generally, Ch. 11; sale of food by hawkers and peddlers prohibited upon certain streets, § 11-8; drinking alcoholic beverages upon public ways, § 14-3; planning, Ch. 16;

traffic and motor vehicles generally, Ch. 22; temporary closing of streets, § 22-22; driving on road surfaces under construction or repair, § 22-53; driving on sidewalks, § 22-54; insulation of wires running through streets, § 23-86.

State law reference(s)--Municipal jurisdiction over highways, M.G.L.A. c. 82, § 17; regulations relative to sidewalks, M.G.L.A. c. 83, § 25 et seq.; regulations relative to public ways generally, M.G.L.A. c. 85; municipal authority to regulate use of public ways for certain purposes, M.G.L.A. c. 85, § 10.

ARTICLE I. IN GENERAL

Sec. 21-1. Prerequisites to acceptance of ways.

No ways shall be accepted as public ways of the city unless the order for acceptance is accompanied by a statement in writing, signed by the director of public works, the mayor and the city auditor, stating that sufficient funds are on hand and will be allocated for placing such way in safe condition for travel.

(Code 1970, § 20-1)

Sec. 21-2. Record of names, width, etc., of streets.

The city clerk shall keep a book, in which shall be recorded and alphabetically arranged the names of all the streets and ways in the city which are laid out and accepted, with the date of such laying out and acceptance, the width of such streets and ways, and all alterations made therein from time to time by the city council.

(Code 1970, § 20-3)

Sec. 21-3. Street names.

(a) The several streets, ways and squares in the city shall continue to be called and known by the names heretofore established.

(b) All streets and ways hereafter laid out shall be named by the city council. The city council may change the name of any street or way at any time following sections (c) through (f) as follows:

(c) All requests for street names and numbering plans shall be filed with either city clerk or engineering department. The written requests must contain a clear locus map to show the exact location and/or numbering being requested. The engineering department shall route all requests to the city clerk.

(d) The city clerk shall forward all street naming and numbering plans to the city council for review at the appropriate standing committee, planning and development.

(e) The planning and development committee shall request written reports from the following agencies prior to any final recommendation for action. The agencies and their respective responsibilities are defined below:

City engineer: Agency for the development of numbering plans and master list recording.

Fire department: Input on sound-alike names, duplicate names, public safety and response aspects.

Police department: Input on sound-alike names, duplicate names, public safety and response aspects.

Planning department: Review with respect to names and proposed developments to avoid conflicts.

Assessors: For review based on assessor's records to avoid conflicts.

All departments will have fourteen (14) days to respond. No response shall indicate no concern with the name or number plan.

(f) The decision of the city council, along with the locus map and or numbering plan shall be routed to the departments listed above.

(Code 1970, § 20-2; Ord. No. 25-1994, § I, 12-13-94)

State law reference(s)--Street names, M.G.L.A. c. 85, §§ 3--3B.

Sec. 21-4. Numbers to be affixed to or inscribed on buildings.

(a) Numbers shall be affixed to or inscribed on all dwelling houses and other buildings in regular series, now or hereafter erected on any street or way in the city, in accordance with a plan approved by the city council. Numbers shall be not less than three (3) inches in height and shall be of contrasting color to the surface to which they are attached. Numbers shall be prominently displayed on the house or building in such a manner as to be seen from the street at all times without difficulty.

(b) The primary location for numbers shall be near the door facing the street or way that provides the principal approach to the house or building. On houses or buildings obscured from the street by trees or other obstructions and houses or buildings which have a setback in excess of one hundred fifty (150) feet from the edge of the traveled way, numbers shall be securely displayed at a distance not more than twenty (20) feet from the edge of the traveled way. Property owners shall be notified in writing of their assigned house number in accordance with a plan approved by the city council.

(c) Penalty for violation of section 21-3(b). Upon finding a violation of section 21-4(b) the enforcement officer shall first issue a written warning notice. If the building is not properly numbered within thirty (30) days, the enforcement officer may file a complaint or issue a ticket pursuant to 1-15.

Upon finding a violation on section 21-4(b) the district court may fine the violator twenty dollars (\$20.00) for each offense.

(d) This section shall be enforced by the city building inspector or his agent. All notices and complaints shall be directed to the owner of the real estate.

(Code 1970, §§ 20-5, 20-5.1; Ord. of 5-3-83, § I; Ord. No. 20-1990, § I, 9-25-90)

Cross reference(s)--Buildings and building regulations, Ch. 5.

State law reference(s)--Municipal authority to require numbering of buildings, M.G.L.A. c. 40, § 21(10).

Sec. 21-5. Placement and maintenance of street signs.

In the interest of public safety, the City of Gloucester shall provide to those streets and ways renamed or newly named under the E911 emergency response system, street signs and poles (as necessary) conforming to the City of Gloucester sign regulations, whether those streets are public or private.

(Code 1970, § 20-4; Ord. No. 21-1996, § I, 7-9-96)

State law reference(s)--Erection and maintenance of traffic signs and devices by municipalities, M.G.L.A. c. 85, §§ 1, 2.

Sec. 21-6. Authority of city council to establish, grade and construct sidewalks and make assessments therefor.

The city council may establish, grade and construct sidewalks, and complete partially constructed sidewalks, with or without edgestones or curbing, and may cover the same with brick, flat stones, concrete, gravel or other appropriate material, in such streets of the city as, in its judgment, the public convenience may require, and may assess the abutters on such sidewalks, as provided in M.G.L.A. chapter 83, sections 26 through 28. The council may also cause edgestones to be set and gravel sidewalks constructed in any public street in the city, whenever they deem it necessary for the better protection of the street or foot travelers, and the expense thereof shall be paid from the appropriate department; provided, however, that no such edgestones shall be set or sidewalk constructed, until the council has by vote authorized the same.

(Code 1970, § 20-6)

State law reference(s)--Municipal authority to establish, grade and reconstruct sidewalks, M.G.L.A. c. 83, § 25.

Secs. 21-7, 21-8. Reserved.

Sec. 21-9. Sale or display of goods.

(a) Except as provided in chapter 11 of this Code, no person shall place or keep any table, stall, booth, erection of any kind, package, bundle or anything upon any street, public place or sidewalk, for the sale or display of, or incidental to the sale or display of, any goods or articles whatever, except on Main Street, between Flannagan Square and Washington Street, where temporary displays of merchandise may be erected on sidewalks by retail merchants in front of their stores.

(b) Temporary displays authorized by subsection (a) shall be only during regular business hours, and a four (4) foot wide portion of the sidewalk shall remain free and clear of obstructions to pedestrian movement.

(Code 1970, § 20-11; Ord. of 9-13-77, § 1; Ord. of 9-6-83, § I)

Sec. 21-10. Discharge of water or other liquid on street or sidewalk.

(a) No person shall place, maintain, or cause to be placed or maintained, on any building within the city, any gutter, spout or other fixture for the purpose of

conveying water from such building to the street, unless the gutter, spout or other fixture is so constructed as to prevent any water from the same from discharging its contents upon the surface of the sidewalk. No person shall maintain or operate a washstand or any other business necessitating the disposal of water or other liquid in such a manner that water or other liquid is discharged on a street or sidewalk, such person being required to connect the waste water or other liquid discharge with and into the nearest public catch basin without the same first passing over a sidewalk or street.

(b) No person shall place or maintain or cause to be placed or maintained on any property within the city any gutter, spout, discharge hose or pipe, or other fixture for the purpose of conveying or discharging water from such property or structures on such property, upon the surface of any sidewalk, street, way or highway; thus, causing or creating an unsafe or hazardous condition or causing deterioration of same.

(c) If any such person, who has other options, should refuse or neglect to keep any such sidewalk, street or way free from ice or unsafe for public travel from the improper discharge of water, then the city, through the department of public works, shall repair and keep the sidewalk or street reasonably safe for public travel, and the city shall be reimbursed for the expense of same in an action or contract against the owner of the offending property at the discretion of the department of public works director.

(Code 1970, § 20-18; Ord. No. 8-1996, §§ I, II, 3-26-96)

Cross reference(s)--Sewers, § 23-15 et seq.; water, § 23-55 et seq.

Sec. 21-11. Playing ball, shooting air guns, throwing snowballs, skateboarding, etc.

(a) No person shall shoot with or use a bow and arrow, sling or air gun, play at ball, fly any kite or balloon or throw a stone, snowball or any other missile in any street of the city.

(b) No person shall skateboard on sidewalks, streets or on city-owned public property in the business district or Stacy Boulevard and as further described below, except where specifically designated for this purpose or during a special city function, determined by the chief of police.

Skateboarding prohibited in the following areas:

Angle Street.

Boynton Way.

Center Street.

City Hall Parking Lot.

Dale Avenue from Prospect to Middle Street.

Duncan Street.

Fitz Hugh Lane Lot.

Flanogan Square.

Hancock Street.

Harbor Loop.

Harbor Lot.

Legion Plaza.

Lexington Avenue, Norman Avenue to Flume Road, both sides.

Library Walkway and Steps.

Main Street, full length.

Mansfield Way.

Manuel Lewis Road.

Middle Street.

Parsons Street.

Pleasant Street from Prospect Street to Main Street.

Pleasant Street Lot.

Police Station/Court House Parking Lot/Steps.

Porter Street.

Rogers Street, full length.

Short Street.

Town Landing Lot.

Warren Street.

Western Avenue, east and west of the Blynman Bridge from Hough Avenue to the "Tavern", both sides.

Definition of skateboard: Any wheeled device consisting of a platform or seat of metal, wood, plastic or any other material designed for recreational purposes to carry it user in an erect, kneeling, sitting or prone position in a manner similar to that of a true surfboard, whether propelled solely by the physically efforts of its user or users or by the use of a small motor. The term "skateboard" shall not be construed to include a wheelchair or any similar device used to provide transportation for any disabled person.

Penalties:

1st offense: Written warning notice.

2nd offense: Twenty-five dollars (\$25.00).

Enforcing persons: Police department personnel.

(Code 1970, § 20-19; Ord. No. 62-1997, § I, 9-16-97)

- (c) Mini-motor bikes (a/k/a pocket bikes, pocket rockets) Prohibited use of mini-motor bikes, a/k/a pocket bikes, pocket rockets and motorized scooters (not approved by the Registry of Motor Vehicles) for purposes of public safety.
1. Two-wheel miniature motorized bikes also known as pocket bikes and/or pocket bikes and/or pocket rockets, and/or motorized scooters (not RMV approved) are prohibited at all times from the streets ways highways, bridges, and sidewalks of the City. Excluded from this section are permissive private ways where owners exercise dominion over these ways.
 2. Two-wheel miniature motorized scooters (not RMV approved) are prohibited from operating on all public property including but not limited to school grounds, parks, conservation land, cemeteries, beaches, and parking lots.
 3. Two-wheel miniature motorized bikes, and motorized scooters (not RMV approved) may be operated only on private property and only with permission of all owner(s) of that property between the hours of 8:00 a.m. to 5:00 p.m.
 4. Violations of this section shall subject the operator of the miniature motorized bike to confiscation of the bike and to the penalties as provided in Section 21-11(b) as follows:
 - a. 1st offense – written warning
 - b. 2nd offense - \$25.00 fine
 - c. 3rd offense - \$50.00 fine
 5. This subsection shall also be enforced non-criminally by way of ticketing as provided in Code of Ordinances, Section 1-15. (Ord. 04-16 8/10/04)

(Editorial note: "Street or Way" is defined in Code of Ordinances, Section 1-2; sidewalk is defined in Code of Ordinances, Section 1-2)

Sec. 21-12. Encroachments.

No person shall erect or cause to be erected any fence, wall or building on the line of any street, without first ascertaining the line and grade of the street from the city engineer. If any encroachment shall be made upon any street, and the party making it neglects or refuses to remove the same, the director of public works shall cause the person so offending to be prosecuted for such offense.

(Code 1970, § 20-9)

Sec. 21-13. Obstructions.

(a) No person shall permit any wood, coal, bark or any other article or articles to be placed in any street, so as to unnecessarily obstruct the same. Any such matter shall not be permitted to remain unnecessarily in any street, overnight, but in case it must of necessity so remain, the owner thereof shall place and keep a lighted lamp or red lantern over or near the same, from sunset to sunrise.

(b) No person shall place or cause to be placed, upon any sidewalk, any lumber, iron, coal, trunk, bale, box, crate, cask, package, article or thing

whatsoever, whether of the same description or not, so as to obstruct the free passage for travelers for more than fifteen (15) minutes.

(Code 1970, § 20-10)

State law reference(s)--Removal of encroachments, obstructions, M.G.L.A. c. 86, § 3 et seq.

Sec. 21-14. Duty of property owners or occupants to keep sidewalks free of litter.

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Code 1970, § 10-27)

State law reference(s)--Littering onto public ways, M.G.L.A. c. 265, § 35; refusal to remove litter placed in violation of municipal ordinance, M.G.L.A. c. 272, § 60.

Sec. 21-15. Cutting firewood on street or placing same on sidewalk.

No person shall saw or cut any firewood in any street or place the same upon any sidewalk.

(Code 1970, § 20-13)

Sec. 21-16. Gates, porches, entrances to cellars or other hazards.

No person shall make or maintain any gate, doorstep, portico, porch, entrance or passageway to any cellar or basement, or any other structure, intending or swinging into or upon any street or sidewalk in the city. No person shall suffer the platform or gate of the entrance to his cellar or basement, in any street or sidewalk, to rise above the surface thereof, and every such entrance or passageway shall be at all times kept covered by a suitable and substantial platform or gate, unless authorized to be kept open by the mayor and in case it shall be kept open it shall be protected by a sufficient railing on both sides thereof, at least two and one-half feet high.

(Code 1970, § 20-12)

Sec. 21-17. Projections over streets, sidewalks, etc.--Permits, bonds required; exceptions.

(a) No person shall place or maintain any signs, advertising devices, clocks, marquees, public telephones, telephone booths and other appurtenances thereto, permanent awnings and other like structures projecting into or placed on or over streets, sidewalks or other public ways in the city, without first obtaining a permit therefor from the building inspector. All such structures shall be constructed, and, when attached to a building, shall be connected therewith, in accordance with all applicable state laws, building code regulations, city zoning regulations and applicable ordinance, and approved by the building inspector.

(b) No permit shall be issued under subsection (a) until the applicant therefor shall file with the city clerk a liability insurance policy, protecting the city, which is approved by the mayor in the amount of one hundred thousand dollars (\$100,000.00).

(c) No liability insurance policy shall be required to be filed under subsection (b) for a permit for an awning, canopy, shade or the frame for any of them, or for any other projection which is constructed of light-weight materials which are not a danger to passersby along the street, sidewalk or other public way over which the object shall project.

(d) The provisions of this section shall not apply to signs or other structures projecting into or over any such street, sidewalk or way a distance of less than twelve (12) inches, nor to poles, wires, conduits, and appurtenances of railroad, railway, telegraph and telephone, water, gas, electric light, heat and power companies.

(Code 1970, §§ 20-14, 20-15)

State law reference(s)--Permits for projections over public ways, M.G.L.A. c. 85, §§ 8, 9.

Sec. 21-18. Throwing ice and snow into street.

No person shall throw any ice or snow into or place the same in any street outside of the sidewalk.

(Code 1970, § 20-20)

Sec. 21-19. Removal of snow from sidewalks.

The tenant or occupant, and in case there shall be no tenant or occupant, the owner, or any person having the care of any building or lot of land bordering on any street, lane, court, square or public place within the city, where there is a footway or sidewalk, shall cause all snow that may be thereon to be removed therefrom within six (6) hours after the snow ceases to fall, if it ceases to fall in the daytime, and before 12:00 noon if it ceases to fall in the nighttime. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

(Code 1970, § 20-21)

State law reference(s)--Municipal authority to require removal of ice from sidewalks, M.G.L.A. c. 40, § 21(2), (3); c. 85, § 5.

Sec. 21-20. Removal or covering of ice on sidewalks.

Whenever any footway or sidewalk, or any part thereof, adjoining any building or lot of land on any street, lane, court, square or public place is encumbered with ice, it shall be the duty of the tenant or occupant, and in case there is no tenant or occupant, it shall be the duty of the owner, or any person having the care of the building or lot, to cause the footway or sidewalk to be made safe and convenient, by removing the ice therefrom, or by making the ice even and keeping it covered with sand, ashes or some other suitable material to prevent slipping, within six (6) hours after the ice forms, if in the daytime, and before 12:00 noon if it forms in the nighttime.

(Code 1970, § 20-22)

State law reference(s)--Municipal authority to require removal of ice from sidewalks, M.G.L.A. c. 40, § 21(2), (3); c. 85, § 5.

Sec. 21-21. Barbed wire fences along sidewalks prohibited; penalty.

No barbed wire fence shall be built or maintained within six (6) feet above the ground along any sidewalk located on or upon any public street or highway. Any person convicted of violating this section shall be punished by a fine of not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).

(Code 1970, § 20-23)

State law reference(s)--Similar provisions, M.G.L.A. c. 86, § 6.

Sec. 21-22. Closing of streets, annually.

The following streets will be closed, annually, from 3 p.m. on December 31 to 12:30 a.m. on January 1, for the celebration of First Night in Gloucester:

Main Street from Pleasant Street to Porter Street; Middle Street from Washington Street to Pleasant Street; Warren Street; Hancock Street; Center Street; Short Street and Dale Avenue.

(Ord. No. 134-1999, § I, 1-19-99)

Secs. 21-23--21-34. Reserved.

ARTICLE II. LAYING OUT, ALTERING OR DISCONTINUING STREETS*

***State law reference(s)**--Laying out, altering, etc., public ways, M.G.L.A. c. 82.

Sec. 21-35. General authority of city council.

The city council may lay out any new street or way, or widen or otherwise alter or discontinue any street or way, and estimate the damages any individual may sustain thereby. All questions relating to the subject of laying out, widening, altering or discontinuing any street, shall be first acted upon by the council.

Thompson Street is designated as a "footpath," restricting motor vehicle traffic.

(Code 1970, § 20-35; Ord. No. 31-1995, § I, 5-30-95)

State law reference(s)--Municipal authority to alter, relocate or repair highways, M.G.L.A. c. 82, § 17; municipal authority to lay out, relocate, alter or discontinue town ways, M.G.L.A. c. 82, § 21; procedures for abandoning certain municipal ways, M.G.L.A. c. 82, § 32A.

Sec. 21-36. Notice to property owners--Generally.

(a) No street or way shall be laid out or altered unless, at least seven (7) days previous thereto, a written notice of the intention of the city council to lay out, alter, or discontinue the same is left by it, or by its order, at the usual place of abode of the owner or owners of the land over which such street or way is proposed to be laid out, altered or discontinued, or unless such notice is delivered to such owner in person or to his tenant or authorized agent. If the

owner has no place of abode in the city, and no tenant or authorized agent therein known to the city council, or if, being a resident in the city, he is not known as such to the council, the notice shall be posted up in some public place in the city, or advertised in one (1) or more newspapers of the city, at least seven (7) days before the laying out, altering or discontinuing of such street or way. The notice shall specify the time and place appointed by the council for meeting and hearing the parties interested therein.

(b) No street or other public way shall be discontinued or abandoned by the city council except in conformance with the procedures set forth in M.G.L.A. c. 82, § 32A.

(Code 1970, § 20-36)

Sec. 21-37. Same--Plans prerequisite to issuance.

The city council shall not issue the order of notice required by section 21-36 until a detailed plan of the proposed laying out, alteration or discontinuance, drawn by a competent engineer, has been filed in the office of the city clerk, such plan to be furnished at the expense of the petitioners, if any, and to be and remain the property of the city.

(Code 1970, § 20-37)

Sec. 21-38. Hearing by city council; view of premises.

At the time and place appointed in the notice given pursuant to this article, the city council shall meet and hear all parties interested who claim to be heard, and may view the premises.

(Code 1970, § 20-38)

Sec. 21-39. Decision of city council.

If, after the hearing provided for in this article, the city council deems that the common convenience and benefit of the inhabitants of the city require such street or way to be laid out, altered or discontinued, it may proceed to lay out, alter or discontinue any such street or way. It shall fix the boundaries and measurements of the same, and determine what damages, if any, are sustained by any person in his property, by the laying out, altering or discontinuing of the street or way, and the amount of compensation any such person shall receive. The council shall specify the manner in which any such laying out or alteration shall be completed, and the time allowed the owner of the land through which the street or way may pass to take off trees, fences and other property, which may obstruct the building of any such street or way.

(Code 1970, § 20-39)

State law reference(s)--Acquisition of land for purposes of laying out, altering or relocating town way, M.G.L.A. c. 82, § 24.

Sec. 21-40. Notice to owners of time allowed for removal of trees, fences, etc.

Upon the laying out, alteration or widening of a street, the city clerk shall notify every owner of land through which the street passes of the time allowed to take off his trees, fences and other property, which will obstruct the building of any such street, and the clerk shall keep a record of the time of sending the notice.

(Code 1970, § 20-40)

Cross reference(s)--Trees and shrubs, § 24-15 et seq.

Sec. 21-41. Monuments to be erected at terminal and angles.

The city council shall cause permanent bound stones or monuments to be erected, as provided by statute, at the terminal and angles of all streets or ways laid out or altered by the city council.

(Code 1970, § 20-41)

State law reference(s)--Requirements for street monuments, M.G.L.A. c. 86, § 1.

Sec. 21-42. Minimum street width.

No new street or way, except a footway, shall be laid out and accepted by the city council of a less width than forty (40) feet, provided the land through which it runs and the estates adjoining the street or way will admit of the width without material injury to the same. The city council may, however, lay out and accept any old street or way, whenever in its judgment the common convenience and benefit of the inhabitants require it.

(Code 1970, § 20-42)

Sec. 21-43. Extension of streets to low watermark.

No street or way leading directly to any river, pond or other body of water shall be opened, laid out and accepted by the city council, unless it extends to the low watermark, if in the opinion of the council it may be so extended without material injury to any adjoining estate.

(Code 1970, § 20-43)

Secs. 21-44--21-54. Reserved.

ARTICLE III. EXCAVATIONS*

***State law reference(s)**--Notice of excavations to public utility companies, municipal utility departments and natural gas pipeline companies, M.G.L.A. c. 82, § 40.

DIVISION 1. GENERALLY

Sec. 21-55. Permit required.

No person shall open a permanently constructed street, sidewalk or public way for any purpose whatsoever, without first obtaining a permit so to do from the department of public works.

(Code 1970, § 20-54; Ord. No. 7-1992, 2-18-92)

Sec. 21-56. Application and fee for permit.

All persons desiring to open a permanently constructed street, sidewalk or public way for any purpose whatsoever shall make applications in writing to the department of public works for a permit so to do. The applicant shall pay to the department of public works a fee of (fifty dollars (\$50.00) Deleted Ord. 01-43 11/13/2001) one hundred dollars (\$100.00) (Ord. 01-43 11/13/2001) for each road opening permit required of the applicant.

(Code 1970, § 20-55; Ord. of 9-26-89, § I; Ord. No. 7-1992, 2-18-92)

Sec. 21-57. View of place of excavation and estimate of cost of repair.

The director of public works, upon receipt of an application for a permit required by section 21-55 shall view the street, sidewalk or public way where the excavation is to be made and estimate the cost of replacing the street, sidewalk or public way in good condition.

(Code 1970, § 20-56; Ord. No. 7-1992, 2-18-92)

Sec. 21-58. Performance bond.

Each applicant for a permit under section 21-55 and section 21-56 shall, upon receiving a permit, further post with the director of public works a five thousand dollar (\$5,000.00) performance bond payable to the City of Gloucester in order to protect the city in the event that after the opening work has been completed, in the final written judgment of the director of public works, the area is not properly restored by the applicant to at least comparable if not better than its condition prior to the opening. No permit is valid nor work may commence until the applicant has posted the performance bond.

(Ord. of 9-26-89, § I; Ord. No. 7-1992, 2-18-92)

Editor's note--Section I of an ordinance adopted Sept. 26, 1989, repealed former § 21-58, relative to the payment of cost of repair, and enacted a new § 21-58 to read as herein set out. The provisions of former § 21-58 derived from Code 1970, § 20-57.

Sec. 21-59. Fences and lights.

Whenever any street, sidewalk or public way is opened or dug up, the person in charge of the work which is being performed shall cause a sufficient rail or fence to be erected, so as to enclose that portion of the street, sidewalk or public way or way so opened or dug up and the material thrown therefrom or to be placed therein. Any such fence shall be maintained during the whole time the street, sidewalk or public way is open or dug up, and a lighted red lantern or some other proper and sufficient light shall be affixed to the fence, or placed in the immediate vicinity thereof, from sunset to sunrise each and every night during that time.

(Code 1970, § 20-58; Ord. No. 7-1992, 2-18-92)

State law reference(s)--Excavations on property abutting public ways, M.G.L.A. c. 84, §§ 27, 27A.

Secs. 21-60--21-64. Reserved.

DIVISION 2. PERMANENT EXCAVATIONS

Sec. 21-65. Permit required.

No person shall make any permanent excavation under the surface of any street or sidewalk in the city for the purpose of constructing a coal hole, flagpole hole, door or other opening for an entrance to the basement or other part of any building, or for light or air, or for any other purpose, without obtaining a permit therefor from the director of public works.

(Code 1970, § 20-64)

Sec. 21-66. Application for permit; approval of type of construction and location.

Application for a permit required by this division shall be filed with the department of public works. Any such application shall be accompanied by a plan or sketch, drawn to scale, showing the type of construction proposed and the exact location desired in the street or sidewalk. The type of construction and location shall first have the approval of the city engineer before the application may be acted upon by the director of public works.

(Code 1970, § 20-65)

Sec. 21-67. Bond or insurance.

Before a permit shall be issued under this division, the person applying for such permit shall give an adequate surety bond or liability insurance policy to the city in the sum of at least one hundred thousand dollars (\$100,000.00) to indemnify and hold the city financially harmless for any sums which the city shall pay for personal injury or property damage suffered by any person by reason of any street or sidewalk being defective or unreasonably out of repair caused by the opening of such a permanently constructed street.

(Code 1970, § 20-66; Ord. of 4-5-83, § I)

Sec. 21-68. Permit conditioned that owner keep streets and sidewalks safe for public travel.

Every permit granted under this division shall contain a condition that the street or sidewalk used by the public, wherever the coal holes, flagpoles holes, folding doors, light or air conductors, or entrances or openings of any similar kind are to be placed or maintained, shall at all times be kept reasonably safe for public travel by and at the expense of the owner of such building. If any such owner should refuse or neglect to keep and maintain any such street or sidewalk safe for public travel, then the city, through its department of public works, shall repair and keep the street or sidewalk

reasonably safe for public travel, and the city may be reimbursed for the expense of same in an action of contract against the owner.

(Code 1970, § 20-67)

Sec. 21-69. Not to be left open and unguarded.

No person shall leave any coal holes, flagpole holes, folding doors, entrances, openings or other such apertures covered by this division, open or unfastened between sunset and sunrise in any case, nor in the daytime unless the same shall be actually in use and then it shall be guarded by at least one (1) person.

(Code 1970, § 20-68)

Secs. 21-70--21-79. Reserved.

ARTICLE IV. REPAIR OF PRIVATE WAYS*

***State law reference(s)**--Repair of private ways and bridges, M.G.L.A. c. 84, § 12 et seq.

Sec. 21-80. Purpose; intent; definitions.

(a) This article is intended to facilitate and encourage the performance of permanent repairs upon private ways in the city.

(b) Included within the scope of the term "private ways" under this article are "statutory private ways" and "dedicated private ways." "Statutory private ways" are those ways which have been laid out pursuant to M.G.L.A. c. 82, § 21 and are subject to M.G.L.A. c. 84, §§ 23-24. Such ways are open to the same type and extent of use as public ways.

(c) "Dedicated private ways" are those ways which were not laid out under statutory authority but are open to free public use of a nature and extent sufficient to constitute evidence of the permanent intention of abutting property owners to abandon private rights in the ways.

(d) Excluded from the term "private ways" are "permissive private ways," which are ways open to public use solely by the continuing permission or license of the owner or abutter; such owner or abutter displays a continuing intent to exercise dominion over the way and may, for example, post the way with signs limiting or prohibiting public use.

(e) Excluded also from the terms of this article are private roadways created after 1960 through the subdivision process, M.G.L.A. c. 41, § 81K et seq.

(f) In order to qualify for construction or repair under this article, all private ways otherwise eligible must have been open to the public for six (6) or more years and must abut three (3) or more occupied residences or operating businesses.

(g) For the purposes of this article, the terms "abutter" and "abutting owner" shall mean all persons holding ownership rights in property abutting a private way and all persons holding ownership rights in any property the access to which, by necessity, requires travel over such private way.

(h) The term "abutting parcel" shall mean any property actually abutting the private way regulated by this article and any property the access to which, by necessity, requires travel over such private way.

(i) None of the ways described in this section are of the type for which the city has an existing duty of maintenance or repair or for which the city is liable in damages for defects. Nothing in this article is intended to create any duty to maintain or repair such private ways or to subject the city to liability for defects therein.

(Ord. of 11-18-80, § 1)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 21-81. Type and extent of work; definitions.

(a) Permanent construction or repair shall include, but not be limited to, the construction, resurfacing and reconstruction of private ways. Permanent construction or repair may include the installation and construction of drainage systems in those instances in which the city council, with advisory reports from the director of public works or city engineer, has determined that a drainage system is necessary. Petitioners should discuss proposals with director of public works and city engineer for guidance.

(b) Temporary construction or repair shall include the filling of holes in the subsurface of private ways and repairs to the surface materials, but shall not include the resurfacing thereof. Oiling and tarring of private ways by the city shall not be permitted.

(Ord. of 11-18-80, § 2)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 21-82. Permanent or temporary construction or repair, when available.

(a) Permanent construction or repair may be performed by the city upon approval of the city council in accordance with the procedures set forth in section 21-84.

(b) Temporary construction or repair may be performed by the city upon a determination by the director of public works that the condition of a way adversely affects the safety of the inhabitants and that construction or repair of a permanent nature is unnecessary to cure the condition, or upon determination that the condition of the way constitutes an emergency which requires the immediate performance of construction or repair in order to protect the health or safety of the inhabitants of the city.

(Ord. of 11-18-80, § 3)

Sec. 21-83. Funding for approved construction or repair.

(a) Fifty (50) percent of the total cost of performance of approved permanent construction and repair work, including the cost of plans or specifications developed subsequent to city council approval, but excluding the cost of preliminary plans developed prior to city council approval, shall be paid by the city from funds appropriated to a separate account in the yearly city budget or from the capital improvement program, except that the city in no case shall be obligated to pay any portion of any costs in excess of one hundred and ten (110) percent of the estimated costs to the city as represented in the petition and plans approved by the city council pursuant to section 21-84 herein; the remaining fifty (50) percent of the total cost as described in this subsection shall be paid by the abutting owners, the amount to be so paid to be divided by the number of abutting parcels and assessed to the owners thereof.

(b) In the case of temporary repairs, the city shall be obligated to pay one hundred (100) percent of the total cost.

(c) In any case involving construction or repairs costing less than four thousand dollars (\$4,000.00), the city may satisfy its financial obligation under subsections (a) and (b) through the provision of either in-kind services or cash payment of the amount established pursuant to this section. In-kind services may be performed by the department of public works if, in the judgment of its director, the department has the existing capability to render such performance. Where the cost of construction or repair exceeds four thousand dollars (\$4,000.00), the work shall be awarded to private contractors by means of the applicable bidding procedures.

(d) The city shall not require that abutting owners pay a cash deposit as a prerequisite to the performance of approved work. However, betterments shall be assessed and collected for such work in accordance with the provisions of M.G.L.A. c. 80, § 1 et seq. and other applicable laws.

(Ord. of 11-18-80, § 4)

Sec. 21-84. Procedural prerequisites to performance of permanent construction or repair.

(a) Any performance of permanent construction or repair as set forth in this article must be authorized by a majority vote of the city council. No such authorization shall be granted unless the requirements of subsection (b) through (i) of this section have been satisfied.

(b) A petition, signed by no less than fifty-one (51) percent of the abutting owners of the portion of the private way subject to the proposed construction or repair, must be submitted to the city council. Such petition must conform to the requirements of subsections (c), (d), (e) and (f) of this section.

(c) Petitioners shall use only official petition forms, available from the city clerk's office upon request.

(d) The original petition shall be submitted to the city clerk. The city clerk shall file a copy of the petition with the mayor's office and with the director of public works. Prior to the filing of any petition, prospective petitioners shall be

encouraged to contact the city engineer and/or the director of public works to discuss the proposal informally for the purpose of receiving guidance and relevant information.

(e) All petitions submitted to the city council for consideration must be accompanied by a set of preliminary engineering plans prepared and signed by a registered engineer qualified in the field. Such plans must be of sufficient detail to indicate the nature and extent of the work requested and the quantity and type of materials necessary. Such plans must also indicate an estimated cost of the requested construction or repair. In no event shall the cost of any such preliminary plans be included in the project costs to be shared by the city and the abutting owners. All petitions submitted to the council also must plainly indicate that a meeting of the abutting owners has been held and votes recorded as provided in section 21-85.

(f) After the filing of the petition as described in paragraph (d), the city engineer or director of public works shall be consulted by the petitioners for purposes of preliminary review and comment upon the petition and plans prior to the forwarding of said materials to the city council. Such review may include a recommendation that the petition be withdrawn by the petitioners or rejected by the city council as an insufficient or inappropriate solution to the problem presented.

(g) Within thirty (30) days after the filing date of the petition, the mayor and the director of public works shall review the petition and shall submit to the city council their recommendations concerning the necessity and feasibility of the project, the appropriate priority to be assigned to the project, and the availability of funding. Failure to submit the required reports shall be deemed to signify approval of the proposed work.

(h) The city council must hold a public hearing upon the petition within sixty (60) calendar days of filing thereof, except that in a particular case the council by two-thirds vote thereof may extend the deadline for hearing by a maximum of thirty (30) days. Review of the petition by the city council shall include a determination whether the construction or repair is required by public convenience and necessity.

(i) Approval of a petition shall require a majority vote of the city council. Notice of the council's decision shall be posted and a copy thereof shall be mailed to all abutting owners.

(Ord. of 11-18-80, § 5)

Sec. 21-85. Meeting and vote by abutting owners.

(a) Prior to submitting any petition under this article, a meeting of all abutting owners must be held, after notice, and a vote recorded to perform and pay for certain repairs to the private way in question. The meeting shall be called by any two (2) or more abutting owners. Notice of the meeting, stating the date, time and location thereof, shall be given at least seven (7) days in advance by posting the notice in the city clerk's office and by mailing the notice to all abutting owners by registered mail, return receipt requested. Submission of such receipts shall be deemed sufficient evidence that notice has been given to abutting owners.

(b) At the meeting of abutting owners required by subsection (a), separate votes shall be taken and recorded to determine whether certain repairs are to be sought and whether such repairs shall be paid for pursuant to the terms of this article. A majority of the abutting owners attending the meeting must vote in favor of both issues in order to qualify for construction or repair under this article.

(Ord. of 11-18-80, § 6)

Sec. 21-86. Municipal liability for construction or repair.

(a) The city shall not be liable on account of any damage whatever caused by construction or repair performed pursuant to this article.

(b) No term or provision of this article shall be interpreted or construed to constitute the acceptance by the city of any duty, responsibility or liability for the enforcement of any private right of any petitioner or abutting owner, including without limitation any right to improve or maintain a private way or to keep a private way free from encroachment.

(Ord. of 11-18-80, § 7)

Chapter 22 TRAFFIC AND MOTOR VEHICLES*

***Cross reference(s)**--Dismantled, wrecked, etc., motor vehicles, § 9-9; offenses, Ch. 14; police, Ch. 17; streets, sidewalks and other public places, Ch. 21; vehicles for hire, Ch. 25.

State law reference(s)--Municipal authority to regulate carriages and vehicles, M.G.L.A. c. 40, § 22; regulations and by-laws relative to ways and bridges, M.G.L.A. c. 85; law of the road, M.G.L.A. c. 89; motor vehicles generally, M.G.L.A. c. 90.

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning:

Bus stop shall mean an area in the roadway set aside for the boarding of or alighting from and the parking of buses.

Commercial vehicle shall mean any vehicle being used in the transportation of goods, wares or merchandise for commercial purposes.

Commercial vehicle, heavy shall mean any commercial vehicle two and one-half (2½) tons capacity or over.

Crosswalk shall mean that portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.

Emergency vehicle. Vehicles of the fire department (fire patrol), police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations, when the latter are responding to an emergency in relation to the police or fire department.

Fire lane. Any street or highway so designated by the city council under the provisions of section 22-152 and specified under section 22-292 so as to assure at least a ten-foot clear and unobstructed way for the purpose of public and emergency vehicle travel.

Funeral. Any procession of mourners properly identified as such accompanying the remains of a human body.

Lane. A longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.

Officer. For the purpose of this chapter, an officer shall be construed to mean any police officer of the city, any investigator, examiner or inspector of the registry of motor vehicles, and any constable or special officer, provided he has his badge of office displayed over his left breast and upon his outer garment.

Official curb marking. That portion of a curbing, the painting of which has been authorized by the city council, and which has the written approval of the department of public works of the commonwealth.

Official street marking. Any painted line, legend, marking or marker of any description painted or placed upon any way which purports to direct or regulate traffic and which has been authorized by the city council and which has the written approval of the department of public works of the commonwealth.

Official traffic signals. All signals conforming to the standards as prescribed by the department of public works of the commonwealth, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing or warning traffic.

Official traffic signs. All signs, markings and devices, other than signals, not inconsistent with this chapter, and which conform to the standards prescribed by the department of public works of the commonwealth, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning, or regulating traffic.

Parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.

Pedestrian shall mean any person afoot or riding on a conveyance moved by human power, except bicycles or tricycles.

Railroad crossing shall mean any intersection of ways with a railroad right-of-way.

Roadway shall mean that portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

Safety zone shall mean any area or space set aside within a roadway for the exclusive use of pedestrians and which has been indicated by signs, lines or markings, having the written approval of the department of public works of the commonwealth. *Service zone* shall mean an area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.

Sidewalk shall mean that portion of a street or highway set aside for pedestrian travel.

Street or highway shall mean the entire width between property lines of every way open to the use of the public for purposes of travel.

Taxicab stand shall mean an area in the roadway in which certain taxicabs are required to park while waiting to be engaged.

Traffic shall mean pedestrians, ridden or herded animals, vehicles or other conveyances, either singly or together, while using any street or highway for the purpose of travel.

Traffic-control area shall mean any area along any way, other than an intersecting way, at which drivers are to be controlled by traffic-control signals.

Traffic-control signal shall mean any device using colored lights which conforms to the standards as prescribed by the department of public works of the commonwealth, whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.

Traffic island shall mean any area or space set aside within a roadway, which is not intended for use of vehicular traffic.

U-turn shall mean the turning of a vehicle by means of a continuous left turn whereby the direction of the vehicle is reversed.

Vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1970, § 21-1; Ord. No. 11-1992, § I, 4-21-92)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

State law reference(s)--Definitions for state vehicle laws, M.G.L.A. c. 90, § 1.

Sec. 22-2. Accident reports.

Every person operating a motor vehicle which is in any manner involved in an accident in which any person is killed or injured or in which there is damage in excess of five hundred dollars (\$500.00) to any one (1) vehicle or other property shall within five (5) days after such accident report in writing to the registrar of motor vehicles of the commonwealth on a form approved by him and send a copy thereof to the police department of the city. Such report shall not be required during the period of incapacity of any person who is physically incapable of making a report. If the operator is not the owner of the vehicle and is physically incapable of making such written report, the owner shall within five (5) days after the accident make such report based on such knowledge as he may have and such information as he can obtain regarding the accident.

(Code 1970, § 21-9)

State law reference(s)--Similar provisions, M.G.L.A. c. 90, § 26.

Sec. 22-3. Sleigh or sled; bells.

No person shall travel on a way with a sleigh or sled drawn by a horse, unless there are at least three (3) bells attached to some part of the harness.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 3.

Sec. 22-4. Use of white canes by pedestrians.

For the purpose of guarding against accidents in traffic on the public streets, it shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of the city any cane or walking stick which is white in color, or white with red end or bottom. Such canes or walking sticks may be used on the streets and other public places of the city by persons wholly or partially blind, as a means of protecting them and for the purpose of identifying them to drivers of vehicles and operators of motor-driven vehicles and other pedestrians with whom they come in contact on such streets and public places.

(Code 1970, § 21-6)

Sec. 22-5. Exemptions from chapter.

The provisions of this chapter shall not apply to drivers actually engaged in work upon a street or highway closed to travel or under construction or repair, to officers when engaged in the performance of public duties, nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties when the nature of the work of any of these necessitates a departure from any part of this chapter. These exemptions shall not, however, protect the driver of any vehicle from the consequences of a reckless disregard of the safety of others.

(Code 1970, § 21-10)

State law reference(s)--Police and fire department vehicles and ambulances exempt from certain traffic regulations, M.G.L.A. c. 89, § 7B.

Sec. 22-6. General penalty for violations of chapter.

Any person convicted of a violation of any provision of this chapter or any rule, regulation or order made under this chapter shall be punished by a fine not exceeding one hundred dollars (\$100.00) for each offense, except as otherwise specifically provided.

(Code 1970, § 21-11)

State law reference(s)--Municipal authority to establish penalty for violation of ordinances regulating vehicles, M.G.L.A. c. 40, § 22.

Secs. 22-7--22-19. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

***Cross reference(s)**--Administration generally, Ch. 2.

DIVISION 1. GENERALLY

Sec. 22-20. Enforcement of chapter by police officers.

It shall be the duty of police officers designated by the chief of police to enforce the provisions of this chapter.

(Code 1970, § 21-2)

Cross reference(s)--Police department, § 17-15 et seq.

Sec. 22-21. Authority of officers of police and fire departments to direct traffic.

Police officers are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformity with the provisions of this chapter; provided, however, that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, police officers or fire fighters may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

(Code 1970, § 21-3)

Cross reference(s)--Fire department, § 8-15 et seq.; police department, § 17-15 et seq.

Sec. 22-22. Authority to close streets temporarily.

(a) The chief of police is hereby authorized to close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession, provided there is reasonable justification for the closing of the street.

(b) The director of public works is hereby authorized to close temporarily or otherwise direct or redirect traffic on any street or highway for the purpose of construction, maintenance, repair, demolition, tree work, snow removal, and other such surface and subsurface work as may be required to be accomplished in the interest of public betterment.

(c) Whenever signs are in place giving notice that any street or highway has been closed pursuant to this section, it shall be unlawful for any person to drive any vehicle on any such closed street or highway.

(Code 1970, § 21-4; Ord. No. 4-96, § I, 2-20-96)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

Sec. 22-23. Experimental regulations.

For purposes of trial, the city vehicle may make temporary rules regulating traffic. No such experimental rule regulating traffic shall remain in effect for a period of time longer than thirty (30) days.

(Code 1970, § 21-5)

Secs. 22-24--22-29. Reserved.

DIVISION 2. TRAFFIC COMMISSION*

***Cross reference(s)**--Boards, commissions, councils and committees, § 2-400 et seq.

Sec. 22-30. Created; purpose.

As a continuation of planning board work and for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the city, to lessen congestion and confusion in the streets, to lessen the danger from fire and assist the fighting of it and to facilitate the creation of more adequate provision for transportation and parking, there is hereby created a traffic commission. The commission shall have as its primary purpose the making of studies and presenting of recommendations to the mayor in the matter of regulating traffic and parking in the city.

(Code 1970, § 21-22)

Sec. 22-31. To act in official capacity under control of mayor.

The traffic commission shall act in an official capacity for the city and shall be under the over-all control and authority of the mayor.

(Code 1970, § 21-25)

Sec. 22-32. Composition; appointment; terms of members.

The traffic commission shall consist of five (5) members appointed by the mayor and confirmed by the city council. Appointments to the commission shall be for terms of three (3) years. In case of the resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, an appointment for the unexpired term shall immediately be made by the mayor.

(Code 1970, § 21-23)

Sec. 22-33. Organization meeting; officers.

As soon as possible after the membership of the traffic commission is determined in each year, the commission shall meet and elect from its own membership a chairman and secretary-treasurer to serve for the term of one (1) year. The secretary-treasurer shall give official notice in writing to the mayor that the commission has organized, giving the names of the chairman and secretary-treasurer.

(Code 1970, § 21-24)

Sec. 22-34. Duties.

It shall be the duty and responsibility of the traffic commission to make detailed studies of the motor vehicle and all other forms of traffic within the city, its present and future parking needs and related matters, and to determine, on a community-wide basis, an over-all long-range plan to meet the city's needs. As such needs are determined, recommendations for the improvement of conditions, accompanied by such maps, graphs and charts as may have been prepared, shall be submitted to the mayor.

(Code 1970, § 21-26)

Sec. 22-35. Assistance of city officials, boards and employees.

The traffic commission may request the services and assistance of any of the officials, boards and employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

(Code 1970, § 21-27)

Sec. 22-36. Annual report.

The traffic commission shall make an annual written report of its activities to the mayor.

(Code 1970, § 21-28)

Secs. 22-37--22-49. Reserved.

ARTICLE III. OPERATION OF VEHICLES*

***State law reference(s)**--Driving precautions for safety of other travellers, M.G.L.A. c. 90, § 14.

DIVISION 1. GENERALLY

Sec. 22-50. Care in starting, stopping, turning or backing.

(a) The driver of any vehicle, before starting, stopping, turning from a direct line or backing shall first see that such movement can be made in safety. If the movement cannot be made in safety or if it interferes unduly with the normal movement of other traffic, the driver shall wait for a more favorable opportunity to make the movement.

(b) If the operation of another vehicle should be affected by a stopping or turning movement, the driver of the other vehicle shall be given a plainly visible signal, as required by M.G.L.A., chapter 90, section 14B.

(Code 1970, § 21-54)

Sec. 22-51. Emerging from alley, driveway or garage.

The operator of a vehicle emerging from an alley, driveway or garage shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across such alleyway or driveway.

(Code 1970, § 21-58)

Sec. 22-52. Obstructing traffic unnecessarily.

No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon any street or highway. Officers are hereby authorized to require any driver who fails to comply with this section to drive to the side of the roadway and wait until such traffic as has been delayed has passed.

(Code 1970, § 21-51)

Sec. 22-53. Driving on road surfaces under construction or repair.

No operator of a vehicle shall enter upon the road surface of any street or highway or section thereof, when, by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, the road surface is closed to travel, and one (1) or more signs, lights or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the city, either audibly or by signals.

(Code 1970, § 21-60)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

Sec. 22-54. Driving on sidewalks.

The driver of a vehicle shall not drive upon any sidewalk, except at a permanent or temporary driveway.

(Code 1970, § 21-61)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

Sec. 22-55. Driving through safety zone.

It shall be unlawful for the driver of a vehicle, except on signal from a police officer, to drive the same over or through a safety zone.

(Code 1970, § 21-62)

Sec. 22-56. Identification of funeral processions.

A funeral composed entirely or partly of a procession of vehicles shall be identified as such by means of black pennants bearing a purple symbol attached to both the first and last vehicles.

(Code 1970, § 21-8)

Sec. 22-57. Rights and duties of drivers in funeral or other processions.

(a) It shall be the duty of each driver in a funeral or other procession to keep as near to the right edge of the roadway as is feasible and to follow the vehicle ahead as closely as is practicable and safe.

(b) At an intersection where a traffic control signal is operating, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop for a red or red and yellow indication.

(c) At an intersection where a lawful stop sign exists, the driver of the first vehicle in a funeral or other procession shall be the only one required to stop before proceeding through the intersection.

(Code 1970, § 21-63)

State law reference(s)--Right of funeral procession to use public ways, M.G.L.A. c. 85, § 14A.

Sec. 22-58. Duty of drivers when meeting other vehicles.

(a) When persons traveling with vehicles meet on a way, each shall seasonably drive his vehicle to the right of the middle of the traveled part of such way, so that the vehicles may pass without interference, except where the department of public works of the commonwealth or the city has modified the way by pavement markings thereon. All such markings shall be in accordance with accepted standards of engineering practice, as provided in M.G.L.A. c. 85, § 2.

(b) The provisions of subsection (a) shall not be construed as prohibiting a vehicle from crossing a solid center pavement marking line or lines in making a left turn into or from a private way.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 1.

Sec. 22-59. Driving vehicles in a single lane; motorcycles, riding and passing.

When any way has been divided into lanes, the driver of a vehicle shall so drive that the vehicle shall be entirely within a single lane, and he shall not move from the lane in which he is driving until he has first ascertained if such movement can be made with safety. The operators of motorcycles shall ride no more than two (2) abreast, and shall ride single file when passing.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 4A.

Sec. 22-60. Driving in lane nearest right side of way.

Upon all ways, the driver of a vehicle shall drive in the lane nearest the right side of the way when such lane is available for travel, except when overtaking another vehicle or when preparing for a left turn. When the right lane has been constructed or designated for purposes other than ordinary travel, a driver shall drive his vehicle in the lane adjacent to the right lane except when overtaking another vehicle or when preparing for a left or right turn.

(Code 1970, § 21-48)

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 4B.

Sec. 22-61. Keeping to right while view obstructed.

(a) Whenever on any way, public or private, there is not an unobstructed view of the road for at least four hundred (400) feet, the driver of every vehicle shall keep his vehicle on the right of the middle of the traveled part of the way, whenever it is safe and practicable so to do, except where the department of public works of the commonwealth or the city has altered the way by the use of restrictive pavement markings in areas of limited sight distance, at intersections and at obstructions therein; provided, however, that such markings shall be in accordance with accepted standards of engineering practice.

(b) Notwithstanding provisions of subsection (a), every driver of a slow moving vehicle, while ascending a grade shall reasonably keep his vehicle in the extreme right-hand land until the top of such grade has been reached.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 4.

Sec. 22-62. Heavy trucks; driving in right-hand lane on multi-lane highways.

(a) On any highway with more than one (1) passing lane in the same direction, heavy commercial vehicles, except buses, shall be restricted in ordinary operation to the right-hand travel lane, and in overtaking and passing shall be restricted to the next adjacent passing or travel lane, and shall not use any other lanes except in an emergency.

(b) For the purpose of this section, heavy commercial vehicles shall be defined as those in excess of two and one half tons used for transportation of goods, wares, and merchandise.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 4C.

Sec. 22-63. Following too closely.

The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the street or highway.

(Code 1970, § 21-53)

Sec. 22-64. Overtaking vehicles traveling in same direction.

(a) Except as otherwise provided in this section the driver of a vehicle passing another vehicle traveling in the same direction shall drive a safe distance to the left of such other vehicle; and, if the way is of sufficient width for the two (2) vehicles to pass, the driver of the leading one shall not unnecessarily obstruct the other. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(b) The driver of a vehicle may, if the roadway is free from obstruction and of sufficient width for two (2) or more lines of moving vehicles, overtake and pass upon the right of another vehicle when the vehicle overtaken is making or about to make a left turn, upon a one-way street, or upon any roadway on which traffic is restricted to one (1) direction of movement.

(Code 1970, § 21-49)

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 2.

Sec. 22-65. Operation of privately-owned vehicles prohibited in Dogtown.

(a) Operation of privately-owned motor vehicles and recreational vehicles is prohibited on Dogtown Road and Commons Road except between one-half hour before sunrise and one-half hour after sunset daily up to the so-called Gronblad's Pit parking area and on all city-owned land in "Dogtown" as defined on the map of Dogtown on file in the office of the city engineer and city clerk.

(b) "Recreational vehicles" shall include every motor vehicle designated or modified for use over unimproved terrain with the exception of snow vehicles registered to Gloucester residents only affixed with "beach stickers" issued by the department of public works. Snow vehicles are those vehicles designed to travel over ice or snow supported in whole or in part by skis, belts or cleats.

Editor's note--An ordinance adopted July 23, 1985, § I, adding § 21-66 to the 1970 Code, has been included as § 22-65 hereof at the editor's discretion.

Secs. 22-66--22-74. Reserved.

DIVISION 2. TURNING MOVEMENTS

Sec. 22-75. Restrictions on right and left turns.

No driver shall turn his vehicle so as to proceed in any direction other than to the right or left at the points of intersection described in section 22-265, and in the direction indicated, when official signs are in place.

(Code 1970, § 21-55(a))

Sec. 22-76. Restrictions on U-turns.

No driver shall back or turn his vehicle so as to proceed in a direction opposite to that in which the vehicle is headed or travelling on the streets described in section 22-266 when official signs are in place.

(Code 1970, § 21-55(b))

Sec. 22-77. Violation of one-way traffic provisions; civil liability.

The violation by the operator or driver of a motor or other vehicle of any rule, regulation, section of this Code or other ordinance or any by-law limiting traffic on any specified way to traffic moving in one (1) direction shall not, in respect to any civil

liability, render such operator or driver, or such vehicle or any occupant thereof, a trespasser upon said way.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 10.

Secs. 22-78--22-89. Reserved.

DIVISION 3. RIGHT-OF-WAY

Sec. 22-90. Stopping and yielding at intersections.

(a) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign or a flashing red signal indication shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

(b) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, any such collision shall be deemed prima facie evidence of his failure to yield the right of way.

(Code 1970, § 21-56)

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 9.

Sec. 22-91. Operation at under or over passes and at intersections with islands.

At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps, and at any intersection of ways in which there are channelizing islands, drivers, of vehicles shall proceed only as indicated by signs, signals or markings.

(Code 1970, § 21-65)

Sec. 22-92. Right of way at intersecting ways; turning on red signals.

(a) When two (2) vehicles approach or enter an intersection of any ways, as defined in M.G.L.A. c. 90, § 1, at approximately the same instant, the operator of

the vehicle on the left shall yield the right-of-way to the vehicle on the right. Any operator intending to turn left, in an intersection, across the path or lane of vehicles approaching from the opposite direction shall, before turning, yield the right-of-way until such time as the left turn can be made with reasonable safety. Any operator of a vehicle entering a rotary intersection shall yield the right-of-way to any vehicle already in the intersection. The foregoing provisions of this section shall not apply when an operator is otherwise directed by a police officer, or by a lawful traffic regulating sign, device or signal maintained by or with the written approval of the department of public works of the commonwealth or the city and while such approval is in effect or otherwise lawfully maintained.

(b) At any intersection on ways, as defined in M.G.L.A. c. 90, § 1, in which vehicular traffic is facing a steady red indication in a traffic control signal, the driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk or the near side of the intersection or, if none, then at the entrance to the intersection in obedience to such red or stop signal, may make a right turn or a left turn from a one-way street to another one-way street but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except where such turns are prohibited by signs erected at such intersection giving notice of such prohibition.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 8.

Sec. 22-93. Marked crosswalks; yielding right of way to pedestrians.

(a) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a crosswalk marked in accordance with standards established by the department of public works of the commonwealth if the pedestrian is on that half of the traveled part of the way on which the vehicle is traveling or if the pedestrian approaches from the opposite half of the traveled part of the way to within five (5) feet of that half of the traveled part of the way on which such vehicle is traveling.

(b) No driver of a vehicle shall pass any other vehicle which has stopped at a marked crosswalk to permit a pedestrian to cross, nor shall any such operator enter a marked crosswalk until there is a sufficient space beyond the crosswalk to accommodate the vehicle he is operating, notwithstanding that a traffic control signal may indicate that vehicles may proceed.

(Code 1970, § 21-52)

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 11.

Sec. 22-94. Duty of drivers and pedestrians approaching pedestrian carrying white cane; penalty.

(a) Whenever a totally or partially blind pedestrian, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, crosses or attempts to cross a way, the driver of every vehicle approaching the place where any such pedestrian is crossing or attempting to cross shall bring his vehicle to a full stop, and before proceeding shall take such precautions as may be necessary to avoid injuring the pedestrian.

Nothing contained in this subsection shall be construed to deprive any totally or partially blind person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing ways, nor shall the failure of such blind person to carry a cane or walking stick or to be guided by a guide dog while on the ways of the city be held to constitute or be evidence of contributory negligence.

(b) Any pedestrian who is not wholly or partially blind, who approaches or comes in contact with a person wholly or partially blind, guided by a guide dog or carrying in a raised or extended position a cane or walking stick white in color, or white with red end, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person so carrying such cane or walking stick.

(Code 1970, § 21-7)

State law reference(s)--Similar provisions, M.G.L.A. c. 90, § 14A.

Sec. 22-95. Right of way of fire engines, patrol vehicles and ambulances.

The members and apparatus of a fire department while going to a fire or responding to an alarm, police patrol vehicles and ambulances, and ambulances on a call for the purpose of hospitalizing a sick or injured person shall have the right of way through any street, way, lane or alley. No person shall wilfully obstruct or retard the passage of any of the foregoing persons or vehicles in the exercise of any such right.

Cross reference(s)--Fire department, § 8-15 et seq.; police department, § 17-15 et seq.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 7.

Sec. 22-96. Restrictions on use of ways upon approach of fire apparatus; crossing fire hoses.

(a) Upon the approach of any fire apparatus which is going to a fire or responding to an alarm, every person driving a vehicle on a way shall immediately drive his vehicle as far as possible toward the right-hand curb or side of the way and shall keep the same at a standstill until such fire apparatus has passed.

(b) No person shall drive a vehicle within three hundred (300) feet of any fire apparatus going to a fire or responding to an alarm, nor drive his vehicle, or park or leave the same unattended, within eight hundred (800) feet of a fire or within the fire lanes established by the fire department, or upon or beside any traveled way, whether public or private, leading to the scene of a fire, in such a manner as to obstruct the approach to the fire of any fire apparatus or any ambulance, safety or police vehicle, or of any vehicle bearing an official fire or police department designation.

(c) No person shall drive a vehicle over a hose of the fire department without the consent of a member of the department.

Cross reference(s)--Fire department, § 8-15.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 7A.

Sec. 22-97. Operation of emergency vehicles.

(a) The driver of a vehicle of a fire, police or recognized protective department and the driver of an ambulance shall be subject to the provisions of any section of this Code or other ordinance or any by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department or the driver of an ambulance, in an emergency and while in performance of a public duty or while transporting a sick or injured person to a hospital or other destination where professional medical services are available, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection.

(b) The driver of any such approaching emergency vehicle shall comply with the provisions of M.G.L.A. c. 90, § 14 when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing.

State law reference(s)--Similar provisions, M.G.L.A. c. 89, § 7B.

Secs. 22-98--22-109. Reserved.

DIVISION 4. ONE-WAY STREETS

Sec. 22-110. Restriction on direction driven--Annually.

Upon the streets or parts of streets described in section 22-267 vehicular traffic shall move only in the direction indicated therein and it shall be unlawful for any person to drive any vehicle in any other direction throughout the entire calendar year.

(Code 1970, § 21-90)

Sec. 22-111. Same--From May 1 to September 15.

Upon the streets or parts of streets described in section 22-268 vehicular traffic shall move only in the direction indicated therein during the period from May 1 to September 15 of each year, and no person shall drive a vehicle in any other direction during such period.

(Code 1970, § 21-91)

Secs. 22-112--22-124. Reserved.

ARTICLE IV. TRAFFIC CONTROL DEVICES*

***State law reference(s)**--Municipal responsibility for traffic control devices, M.G.L.A. c. 85, §§ 1, 2; c. 89, § 9; c. 90, § 14.

Sec. 22-125. Duty of director of public works to place and maintain; conformity to state standards.

The director of public works is hereby authorized, and as to those signs and signals required under this chapter, it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs, signals, markings and safety zones. All signs, signals, markings, and safety zones shall conform to the standards prescribed by the department of public works of the commonwealth.

(Code 1970, § 21-31)

Sec. 22-126. Testing.

The city council may test, under actual conditions, traffic signs, markings or other devices, except signals.

(Code 1970, § 21-32)

Sec. 22-127. Required obedience.

No driver of any vehicle shall disobey the instructions of any official traffic control signal, sign, marking, marker or legend, unless otherwise directed by a police officer.

(Code 1970, § 21-33)

Sec. 22-128. Stop intersections.

The erection and maintenance of official "STOP" signs or flashing red signals is authorized at the locations described in section 22-269, such signs to face traffic proceeding in the direction indicated.

(Code 1970, § 21-57)

Sec. 22-128.1. Yield intersections.

The erection and maintenance of official "Yield" signs is authorized at the locations described in section 22-269.1, such signs to face traffic proceeding in the direction indicated.

(Ord. No. 37-1996, § II, 9-3-96)

Sec. 22-129. Necessity of signs.

Whenever any provision of this chapter requires signs giving notice thereof, such provisions shall be effective only during such time as a sufficient number of official signs are erected and maintained designating such provision and located so as to be easily visible to approaching drivers.

(Code 1970, § 21-34)

Sec. 22-130. Unauthorized signs, signals and markings.

No person shall place, maintain or display upon or in view of any street any unofficial device, sign, signal, curb marking or street marking which purports to be or is an imitation of or resembles an official traffic device, sign, signal, curb marking or street marking, or which attempts to direct the movement of traffic or which hides from view any official sign, signal, marking or device. The chief of police is hereby empowered to remove every such prohibited sign, signal, marking or device or cause it to be removed without notice.

(Code 1970, § 21-36)

Sec. 22-131. Defacing, injuring, etc., signs, signals and markings.

It shall be unlawful for any person to wilfully deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking.

(Code 1970, § 21-37)

State law reference(s)--Malicious destruction of traffic control devices, M.G.L.A. c. 266, § 94.

Secs. 22-132--22-144. Reserved.

ARTICLE V. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 22-145. General prohibitions.

(a) No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way, highway, road or parkway under the control of the city in violation of this chapter or other traffic ordinances or orders adopted by the city council, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police official or traffic sign or signal; and in particular, in any of the following places:

- (1) Within an intersection, except where the installation of parking meters has been specifically approved by the department of public works of the commonwealth;
- (2) Upon any sidewalk;
- (3) Upon any crosswalk;
- (4) Upon the roadway in a rural or sparsely settled district;
- (5) Upon a roadway where parking is permitted unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway, except upon those streets which are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which such vehicle is moving and with both wheels within

twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by section 22-169 of this chapter;

(6) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic;

(7) Upon any street or highway within ten (10) feet of a fire hydrant;

(8) In front of a private road or driveway;

(9) Upon any street or highway within twenty (20) feet of an intersecting way, except alleys, unless otherwise provided;

(10) Within fifteen (15) feet of a wall of a fire station or directly across the street from such station, provided signs are erected acquainting the driver with such restriction;

(11) Within twenty (20) feet of either end of a safety zone which is located within thirty (30) feet of the curb or edge of the roadway;

(12) Within twenty-five (25) feet of a crosswalk, where so designated and established, in front of a school building entrance, when signs are in place giving notice of such prohibition;

(13) Notwithstanding the provisions of paragraph (12) above, within fifty (50) feet of a crosswalk leading to the main entrance of the following schools: Maplewood Avenue School, Faith Christian School (Calvary Chapel) Baptist Independent Church, 394 Washington Street and Ward 2 Veterans Memorial School. The provisions of this paragraph shall be applicable only between the hours of 8:00 a.m. and 4:00 p.m. on days when such schools are in session. This paragraph shall not be effective unless signs are in place giving notice of such prohibition;

(14) Upon or within any area described in section 22-291.

(b) Vehicles found in violation of subsection (a) may be moved, by or under the direction of an officer and at the expense of the owner, to a place where parking is allowed.

(c) No person shall cause, allow, or permit a motor vehicle owned by him which is either unregistered, uninsured, nonoperating, or junked to be left on a public or private way under the control of the city. Any such vehicle which is determined upon investigation by an officer to have been left or abandoned by the owner for a period of seventy-two (72) hours or more on a public or private way may be removed and disposed of pursuant to M.G.L.A. c. 90, § 22C; M.G.L.A. c. 135, § 8; M.G.L.A. c. 40, § 22D; and §§ 22-240 to 22-246 of this Code of Ordinances. Notice to the owner prior to disposal shall be by certified or registered mail if the owner is known and otherwise by publication in the local newspaper.

(Code 1970, § 21-103; Ord. of 2-14-89, § I; Ord. No. 25,1992, § I, 8-4-92)

Sec. 22-146. Temporary prohibitions.

(a) The chief of police is hereby authorized to prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency,

or for a lawful assemblage, demonstration or procession, provided there is reasonable justification for such prohibition.

(b) Whenever signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle in any place where such parking is prohibited under this section.

(c) Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of a police officer.

(Code 1970, § 21-104)

Sec. 22-147. Duty to move vehicle upon request of police.

Any owner or operator of a motor vehicle parked or standing on a public street or place where the traveling public has the right of access shall, when requested by a police officer on duty, move such vehicle, should such moving be desirable or required to facilitate the movement of traffic, to serve the convenience of the traveling public, to better protect the safety of the traveling public, or if such vehicle is parked or operated in an illegal manner.

(Code 1970, § 21-118)

Cross Police department, § 17-15 et seq.

Sec. 22-148. Prohibited for purpose of displaying vehicle for sale.

It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale.

(Code 1970, § 21-106)

Sec. 22-149. Trailer coaches prohibited between midnight and 6:00 a.m.; exception.

Parking of trailer coaches between the hours of 12:00 midnight and 6:00 a.m. shall be prohibited on any street in the city, except in an approved trailer coach park.

(Code 1970, § 21-108)

Sec. 22-150. Loading and unloading on city streets.

There shall be no loading or unloading on all city streets, including trucks, fork lift trucks and/or any other loading machines between the hours of 7 p.m. and 7 a.m. with penalties as described in section 1-15, Penalty for violation of certain specified section of the Code.

(Ord. No. 29-1997, § I, 2-18-97; Ord. No. 32-1997, § I, 3-18-97)

Editor's note--Prior to the reenactment of § 22-150 by Ord. No. 29-1997, section I of an ordinance adopted April 12, 1988, repealed former § 22-150, relative to interfering with snow and ice removal, which derived from Code 1970, § 21-110.

Sec. 22-151. City council to specify location of bus stops, taxicab stands and service or loading zones.

The location of all bus stops, taxicab stands and service or loading zones shall be specified by the city council, and in the case of taxicab stands, the city council shall designate who may use them as such.

(Code 1970, § 21-111)

Sec. 22-152. Leaving vehicle unattended on private ways so as to block access for fire apparatus.

It shall be unlawful for any person to leave a vehicle unattended within the limits of private ways furnishing means of access for fire apparatus for any building. The city council shall have the authority to designate private ways and parts thereof, listed in section 22-192, as fire lanes with restrictions thereon as necessary to assure at least a ten-foot clear and unobstructed way is available at all times. The fire lane and restrictions thereon shall be detailed on the signs in place on the way.

(Code 1970, § 21-131; Ord. No. 10-1992, § I, 3-24-92)

Cross reference(s)--Fire department, § 8-15 et seq.; schedule of fire lanes, § 22-292.

Sec. 22-153. Privately owned open-air parking spaces.

(a) *Authority to grant license.* The city council is hereby authorized to grant licenses for the conduct or maintenance of open-air parking spaces, pursuant to the provisions of M.G.L.A., c. 148, § 56.

(b) *Contents, limitations, suspension and revocation of license.* Every license issued under this section shall specify the premises to be occupied by the licensee, shall be subject to all the provisions of M.G.L.A., c. 148, § 56, and may be suspended or revoked by the city council and by the fire chief.

(c) *Penalty for engaging in business without license.* Any person who engages in the business of conducting an open air parking space without the license provided for in this section shall be subject to the penalty provided in M.G.L.A., c. 148, § 56.

(d) *Fee for open-air parking.* Fifty dollars (\$50.00) for initial license fee, plus an additional one dollar (\$1.00) per permanent space.

(Code 1970, §§ 21-187--21-189; Ord. No. 13-1993, § I, 11-16-93)

Sec. 22-154. Reserved parking space in front of doctors' offices.

All doctors in the city possessing an M.D. degree shall have in front of their offices for the parking of one motor vehicle, an area marked "No Parking--Doctor's Office." When such an area is marked, no person other than the doctor for whom it is marked shall park a vehicle therein.

(Code 1970, § 21-117)

Sec. 22-155. Prohibited between midnight and 6:00 a.m. from December 15 to

March 15.

During the period from December 15 to March 15 of each year, it shall be unlawful for the driver of any vehicle to park such vehicle on any public street or way between the hours of 12:00 midnight and 6:00 a.m. The police department is hereby authorized and directed to remove to any public garage any vehicle found parked on any public street or way during such period of the year and within such hours, and the expense of towing any such vehicle and any storage charges incurred shall be collected from the owner of the vehicle.

(Code 1970, § 21-107; Ord. of 3-21-78, § 1; Ord. of 6-5-79, § I)

Sec. 22-156. Parking prohibited at all times.

Upon the streets or parts thereof described in section 22-270 it shall be unlawful for any person to park a vehicle at any time, when signs are in place giving notice thereof.

(Code 1970, § 21-125)

Sec. 22-157. Parking prohibited from May 1 to September 15--Generally.

Upon the streets or parts thereof described in section 22-271, it shall be unlawful for any person to park a vehicle at any time during the period from May 1 to September 15 of each year, when signs are in place giving notice thereof.(Code 1970, § 21-126)

Sec. 22-158. Parking prohibited from May 1 to September 15--On Saturdays, Sundays and holidays.

Upon the streets or parts of thereof described in section 22-272, it shall be unlawful for any person to park a vehicle on the days and between the hours indicated for each specific area, on Saturdays, Sundays and holidays during the period from May 1 to September 15 of each year, when signs are in place giving notice thereof.

(Code 1970, § 21-127; Ord. No. 10-1997, § I, 1-21-97)

Sec. 22-159. Parking prohibited between certain hours and on certain days.

When signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle upon any streets or parts thereof, between the hours posted on such signs and on the days posted on such signs, as described in section 22-273.

(Code 1970, § 21-130)

Sec. 22-160. Two-hour limit between certain hours--Generally.

Upon the streets or parts thereof described in section 22-274, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two (2) hours at any one (1) time, between the hours and on the days so described.

(Code 1970, § 21-134)

Sec. 22-161. Two-hour limit between certain hours--From May 1 to September 15.

Upon the following streets or parts thereof described in section 22-275, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two (2) hours at any one time, during the period from May 1 to September 15 of each year, between the hours and on the days so described.

(Code 1970, § 21-135; Ord. No. 11-1997, § I, 1-21-97)

Sec. 22-162. One and one-half hour parking on Saturdays, Sundays and holidays.

Upon the streets and parts thereof described in section 22-276, it shall be unlawful for any person to park a vehicle for a period of time longer than one and one-half (1½) hours on Saturdays, Sundays and holidays, when signs are in place giving notice thereof.

(Code 1970, § 21-136)

Sec. 22-163. One hour parking--Generally.

Upon the streets and parts thereof described in section 22-277, it shall be unlawful for any person to park a vehicle for a period of time longer than one (1) hour at any time, when signs are in place giving notice thereof.

(Code 1970, § 21-137)

Sec. 22-164. One hour parking--Between certain hours.

Upon the streets or parts thereof described in section 22-278, it shall be unlawful for any person to park a vehicle for a period of time longer than one (1) hour, between the hours specifically designated for each such area, and when signs are in place giving notice thereof.

(Code 1970, § 21-138; Ord. No. 12-1997, § I, 1-21-97)

Sec. 22-165. Thirty minute parking.

Upon the streets or parts thereof described in section 22-279, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than thirty (30) minutes, between the hours of 9:00 a.m. and 5:30 p.m. on any business day except Friday, and on Fridays between the hours of 9:00 a.m. and 9:00 p.m., and specifically excepting Sundays and holidays.

(Code 1970, § 21-139)

Sec. 22-166. Fifteen minute parking.

Upon the streets or parts thereof described in section 22-280, it shall be unlawful for any person to park a vehicle for a longer period of time than fifteen (15) minutes between the hours indicated for each specific area, when signs are in place giving notice thereof.

(Code 1970, § 21-140)

Sec. 22-167. Ten minute parking.

Upon the streets or parts thereof described in section 22-281, it shall be unlawful for any person to park a vehicle for a longer period of time than ten (10) minutes, when signs are in place giving notice thereof.

(Code 1970, § 21-141)

Sec. 22-168. Exception from time limits for loading and unloading on Main Street.

In permitted parking areas on Main Street, wherein the time of parking is limited by this article, time shall be given trucks parked parallel to the curbing for loading and unloading between the hours of 7:00 a.m. to 11:00 a.m. daily.(Code 1970, § 21-142)

Sec. 22-169. Angle parking.

(a) The city council shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets or cause the same to be marked or signed.

(b) Upon the streets or parts of streets described in section 22-282; which have been marked or signed for angle parking, vehicles shall be parked with one (1) wheel within twelve (12) inches of the curb, at the angle to the curb indicated by such marks or official signs, and wholly within the painted lanes provided.

(Code 1970, § 21-105)

Sec. 22-170. Use of bus stops.

(a) No person shall park a vehicle other than a bus in a bus stop, as described in section 22-283, when such bus stop is indicated by an official sign.

(b) No person shall park a bus upon any street within a business district at any place other than a bus stop, when a nearby bus stop is available for use.

(Code 1970, § 21-113)

Sec. 22-171. Use of taxicab stands.

(a) No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand, when such stand is indicated by an official sign.

(b) No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designed for the use of his taxicab, except while engaged.

(Code 1970, § 21-114)

Cross reference(s)--Taxicab and private livery vehicles, § 25-15 et seq.

Sec. 22-172. Use of service or loading zones.

When official signs are in place no person shall park a vehicle upon any street in any loading zone described in section 22-284, for a period of time longer than five (5)

minutes and except while actually engaged in loading or unloading, except during the hours of 7:00 a.m. to 8:30 a.m. of each day.

(Code 1970, § 21-116)

Sec. 22-173. Operation of trucks, trailer trucks and other commercial vehicles.

(a) The operation of trucks, trailer trucks and other commercial vehicles is hereby regulated in the manner outlined and during the period of time set forth in section 22-285.

(b) Subsection (a) shall not apply to such vehicles when delivering goods to or taking goods from points located on the streets described in section 22-285, nor shall it apply to vehicles going to or coming from places upon such streets or adjoining streets or ways to which access cannot otherwise be gained, nor shall it apply to vehicles of municipal departments or public service corporations having emergency work to do on such streets or adjoining streets, or to U. S. Mail vehicles collecting mail on such streets, or to police and fire department vehicles, or to ambulances.

(c) Signs in such form and of such design as the director of public works shall determine, shall be placed on streets designated in subsection (a), and subsection (a) shall be effective only during such times as a sufficient number of official traffic signs are in place and legible to warn approaching drivers of the restrictions.

(d) No operator with a motor vehicle shall enter the bridge designated G 5 9 at Route 127, Thatcher Road, if the vehicle: Has two (2) axles and weighs in excess of fifteen (15) tons, has three (3) axles and weighs in excess of nineteen (19) tons, or has five (5) axles and weighs in excess of twenty (20) tons. Signs shall be posted to that effect in accordance with state law.

(Code 1970, § 21-64; Ord. of 11-24-87, § I)

Sec. 22-174. Operation of semitrailers and semitrailer units.

(a) The operation of any semitrailer or semitrailer unit is hereby regulated as provided in section 22-286. No person shall park or stand any semitrailer or semitrailer unit on any part of any street, way, highway or roadway under the control of the city unless such semitrailer or semitrailer unit is attached to a motor vehicle capable of towing it, except during actual loading or unloading of goods, wares, merchandise or other materials. In the event of construction, a special permit shall be obtained from the police department.

(b) The police department is hereby authorized and directed to immobilize any detached trailer, by appropriate means, found parked in violation of subsection (a). The expense of the immobilization shall be collected from the owner, and any storage charges incurred shall be collected from the owners of the vehicle.

(Code 1970, § 21-121; Ord. of 9-5-74, § 1; Ord. of 8-19-76, § 1; Ord. of 6-8-77, § I)

Sec. 22-175. Parking for disabled veterans, handicapped persons.

(a) No person shall park a vehicle which does not bear the distinctive number plates or placard authorized by M.G.L.A. c. 90 § 2 for disabled veterans and handicapped persons in any of the duly posted locations described in section 22-287.

(b) Requests for disabled veterans and handicapped persons parking spaces in the City of Gloucester shall be accompanied by proof of handicapped plate or placard, submitted to the office of the city clerk.

(c) When a handicapped parking space is no longer required at a specific address, the city clerk will be notified by the ward councillor or other. Upon verification that the handicapped person or persons no longer resides in the area or no longer requires the handicapped parking space, the city clerk shall notify the department of public works who will remove the sign. The existing ordinances will be updated appropriately at the next codification and this section will supersede any conflicting provisions of prior ordinances.

(Ord. of 3-23-82, § I; Ord. No. 151-1999, § I, 2-16-99)

State law reference(s)--Municipal authority to restrict certain areas for on-street parking for disabled veterans and handicapped persons, M.G.L.A. c. 40, § 22A.

Sec. 22-176. Penalties for parking violations.

(a) *Generally.* Pursuant to the authority granted in M.G.L.A. c. 90, § 20A1/2, any person violating the provisions of this article regulating the parking of motor vehicles, except as provided in subsection (b) shall be punished by a fine as follows:

<u>Code</u>	<u>Violation</u>	<u>Fine</u>

01	Within 10 feet of a hydrant . . .	\$15.00
02	Within 10 feet of the entrance to a fire station . . .	15.00
03	Across the street from a fire station . . .	15.00
04	Prohibited area (beach district) . . .	25.00
05	Upon roadway in a rural district . . .	15.00
06	Less than 10 feet from obstructed lane . . .	5.00
07	Within 20 feet of an intersection . . .	5.00
08	Obstructing public transportation . . .	5.00
09	Across a private road or driveway entrance . . .	10.00
10	Upon a sidewalk or crosswalk . . .	10.00
11	All night parking when restricted . . .	10.00
12	Bus stop or taxi stand . . .	5.00
13	Upon a roadway in a rural and non-beach district . . .	5.00
14	Double parking . . .	5.00

- 15 Obstructing snow removal or parking on emergency snow artery
10.00
- 16 Wrong direction (right wheels not at curb) . . . 6.00
- 17 Obstructing street cleaning . . . 5.00
- 18 Prohibited area, non-beach district . . . 5.00
- 19 Overtime parking . . . 5.00
- 20 Vehicle for sale sign . . . 5.00
- 21 Over 1 foot from curb . . . 5.00
- 22 Service or loading zone . . . 5.00
- 23 Within intersection . . . 10.00
- 24 Meter violation . . . 5.00
- 25 Improper angle parking . . . 5.00
- 26 Disabled or handicapped parking . . . 25.00 Ord.01-23 Deleted 6/25/2001)

- (01 Within 10 feet of a hydrant...\$50.00
- 02 Within 10 feet of the entrance to a fire station...50.00
- 03 Across the street from a fire station...50.00
- 04 Prohibited area (beach district)...50.00
- 05 Upon roadway in a rural district...25.00
- 06 Less than 10 feet from obstructed lane...25.00
- 07 Within 20 feet of an intersection...25.00
- 08 Obstructing public transportation....25.00
- 09 Across a private road or driveway entrance...25.00
- 10 Upon a sidewalk or crosswalk...25.00
- 11 All night parking when restricted...25.00
- 12 Bus stop or taxi stand...25.00
- 13 Upon a roadway in a rural and non-beach district...25.00
- 14 Double parking...25.00
- 15 Obstructing snow removal or parking on emergency
snow artery...25.00
- 16 Wrong direction (right wheels not at curb)...25.00
- 17 Obstructing street cleaning...25.00
- 18 Prohibited area, non-beach district...25.00
- 19 Overtime parking...25.00
- 20 Vehicle for sale sign...25.00

- 21 Over 1 foot from curb...25.00
- 22 Service or loading zone...25.00
- 23 Within intersection...25.00
- (24 Meter violation...10.00 (03-21 Delete, 5/13/2003)
- 24 Meter violation...15.00 (03-21, 5/13/2003)
- 25 Improper angle parking...15.00
- 26 Disabled or handicapped parking...100.00 (Ord. 01-23 6/25/2001)
Ord. 01-37 Deleted 9/25/2001)
- 01 Within 10 feet of a hydrant... \$50.00
- 02 Within 10 feet of the entrance to a fire station... 50.00
- 03 Across the street from a fire station...50.00
- 04 Prohibited area (beach district)...15.00
- 05 Upon roadway in a rural district...15.00
- 06 Less than 10 feet from obstructed lane...15.00
- 07 Within 20 feet of an intersection...15.00
- 08 Obstructing public transportation...15.00
- 09 Across a private road or driveway entrance...15.00
- 10 Upon a sidewalk or crosswalk...15.00
- 11 All night parking when restricted...15.00
- 12 Bus stop or taxi stand...15.00
- 13 Upon a roadway in a rural and non-beach district...15.00
- 14 Double parking...15.00
- 15 Obstructing snow removal or parking on emergency
snow artery...15.00
- 16 Wrong direction (right wheels not at curb)...15.00
- 17 Obstructing street cleaning...15.00
- 18 Prohibited area, non-beach district...15.00
- 19 Overtime parking...15.00
- 20 Vehicle for sale sign...15.00
- 21 Over 1 foot from curb...15.00
- 22 Service or loading zone...15.00
- 23 Within intersection...15.00
- 24 Meter violation...10.00
- 25 Improper angle parking...15.00
- 26 Disabled or handicapped parking...100.00
(Ord. 01-37 9/25/2001)

(b) *In beach district.* For the purposes of this subsection the beach district shall consist of the following streets or parts of streets:

- (1) Atlantic Road
- (2) Atlantic Street
- (3) Arlington Street

- (4) Bass Avenue
- (5) Bass Rocks Road
- (6) Beach Road, from the intersection of Nautilue Road to Brightside Avenue
- (7) Bridgewater Street
- (8) Eastern Point Road, from Rocky Neck Avenue to Farrington Avenue
- (9) Farrington Avenue
- (10) Harbor Road
- (11) Hough Avenue
- (12) Locust Grove Cemetery
- (13) Loma Drive
- (14) Nautilus Road
- (15) Puerto Drive
- (16) Rio Drive
- (17) River Road
- (18) Rocky Neck Avenue
- (19) Salt Island Road
- (20) Seaside Cemetery
- (21) Stephen's Lane
- (22) Thatcher Road
- (23) Washington Street, both sides, from Langsford Street to the Rockport Line
- (24) Witham Street, from Starknaught Heights to Salt Island Road

In the beach district, any person violating any of the following provisions of this article regulating the parking of motor vehicles shall be punished as prescribed in subsection (a) except that, between May 1 and September 15, of each year, parking is prohibited at all times in the beach district and the beach district is hereby declared to be a "prohibited area" for the purposes of subsection (a), Code 04. Any person parking in the beach district between May 1 and September 15 shall receive a citation for parking in a prohibited area in addition to any other citation he may receive for any other parking violation he may commit.

(Code 1970, §§ 21-119, 21-120; Ord. of 7-10-75, § 1; Ord. of 2-19-76, § 1; Ord. of 6-17-76, § 1; Ord. of 11-17-76, § 1; Ord. of 1-9-79, § I; Ord. of 7-10-79, § I; Ord. of 3-2-82, § I; Ord. of 4-14-87, § I; Ord. of 4-12-88, § II; Ord. No. 96-1998, § I, 7-28-98)

Editor's note--Subsection 22-176(c), relative to payment schedule for fines imposed under § 22-176, has been deleted as being superseded by the provisions of an ordinance of April 14, 1987, § I, at the editor's discretion.

Sec. 22-177. Towing or immobilization of legally parked vehicles with outstanding notices of violation.

If in any calendar year, and the calendar year immediately preceding, five (5) or more notices of violation of any of the provisions of this article in the aggregate have been affixed to any motor vehicle and have not been disposed of, such motor vehicle may be immobilized or removed to and stored in a convenient place in the city until all charges lawfully imposed for such removal and storage have been paid and due notice has been received that either the fines provided for in such notice has been received that either the fines provided for in such notices have been paid or security for the payment thereof has been deposited. Any vehicle immobilized pursuant to this article shall have a warning sign affixed to its front windshield at the time of immobilization advising that any attempt to move the vehicle prior to removal of the immobilizing device may result in serious damage to the vehicle.

(Ord. of 5-18-82, § 2)

Sec. 22-178. Authority of the mayor to declare snow or ice emergencies.

(a) Whenever, in the opinion of the mayor, existing or impending meteorological conditions warrant, he may declare a snow or ice emergency.

(b) Such a declaration may include but not be limited to a ban on parking on public and private ways within the city for such periods of time as the mayor in his discretion deems necessary to protect the public health, safety and convenience of the city.

(c) The mayor shall utilize the media, including local cable television, radio and print media to inform the public of a declaration of snow or ice emergency under this section.

(Ord. of 4-12-88, § III)

Sec. 22-179. Interfering with snow and ice removal.

(a) It shall be unlawful for any person to park or leave a motor vehicle upon a public way so that the same interferes with the removal of snow or ice from such way.

(b) The director of public works is hereby authorized to remove, or cause to be removed, to some convenient place, including a public garage, any vehicle interfering with the removing or plowing of snow, or the removing of ice from any public way in the city, and the cost of removal and the storage of such vehicle, if any, resulting from removal, shall be paid by the owner of such vehicle.

(Ord. of 4-12-88, § III)

Sec. 22-180. Designation of snow and ice emergency streets.

(a) The mayor, upon advice of the traffic commission, director of public works, chief of police and fire chief, shall identify those streets within the city that public safety and convenience require to be designated as snow and ice emergency streets in addition to those listed in paragraph (d) of this section.

(b) The mayor shall recommend to the city council that the streets so identified be declared snow and ice emergency streets.

(c) After approval by the city council, and passage of an ordinance amendment to include such streets in paragraph (d) of this section, the mayor shall direct the director of public works to post permanent signs stating that there shall be no parking on those streets during snow or ice emergencies and that vehicles may be towed and their owners be subject to fines.

(d) The following streets are hereby designated as snow and ice emergency streets and shall be posted as such in accordance with paragraph (c) of this section:

<u>Arthur Street</u>	<u>Maplewood Avenue</u>
<u>Bass Avenue</u>	<u>Middle Street</u>
<u>Beacon Street</u>	<u>Mt. Vernon Street</u>
<u>Centennial Avenue</u>	<u>Pine Street</u>
<u>Chestnut Street</u>	<u>Pleasant Street</u>
<u>Cleveland Street</u>	<u>Porter Street</u>
<u>Commercial Street</u>	<u>Proctor Street</u>
<u>Commonwealth Avenue</u>	<u>Prospect Street</u>
<u>East Main Street</u>	<u>Rocky Neck Avenue</u>
<u>Elm Street</u>	<u>Rogers Street</u>
<u>Exchange Street</u>	<u>School Street</u>
<u>Fair Street</u>	<u>Short Street</u>
<u>Friend Street</u>	<u>Taylor Street</u>
<u>Granite Street</u>	<u>Warner Street</u>
<u>Langsford Street</u>	<u>Washington Square</u>
<u>Leonard Street</u>	<u>Washington Street</u>
<u>Lexington Avenue</u>	<u>Wells Street</u>
<u>Main Street</u>	

(Ord. of 4-12-88, § III; Ord. of 11-29-88, § I)

Sec. 22-181. Authority of the chief of police.

(a) The chief of police is hereby vested within the same authority as the director of public works under section 22-179(b).

(b) Wherever signs are in place giving notice under section 22-180(c), it shall be unlawful for any person to park a vehicle, during a declared snow or ice emergency, in any place where such parking is prohibited.

(c) Vehicles parked in places where parking is prohibited due to a snow or ice emergency may be moved during such an emergency under the direction of a police officer and their owners shall be subject to a fine as set forth in section 22-176.

(Ord. of 4-12-88, § III)

Secs. 22-182--22-189. Reserved.

DIVISION 2. CITY-OWNED OFF-STREET PARKING AREAS

Sec. 22-190. Definition.

As used in this division, the term "off-street parking area" shall mean an off-street parking area established by section 22-191.

(Code 1970, § 21-148)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 22-191. Established.

There are hereby established seven (7) off-street parking areas within the city, which are designated in section 22-288.

(Code 1970, § 21-149; Ord. No. 30-1991, § 1, 9-3-91; Ord. No. 22-1997, § I, 2-4-97)

State law reference(s)--Municipal authority to acquire and maintain off-street parking areas, M.G.L.A. c. 40, § 22B.

Sec. 22-192. Plans.

The plans or copies thereof described in section 22-191 shall be kept on file with the city clerk and the city engineer. Such plans are specifically incorporated into this division by reference.

(Code 1970, § 21-150)

Sec. 22-193. Vehicles to be parked within designated spaces.

Whenever any vehicle shall be parked in an off-street parking area, the operator of the vehicle shall park in a parking space, as designated by the marking lines, as indicated for parking.

(Code 1970, § 21-151)

Sec. 22-194. Parking prohibited between midnight and 6:00 a.m. from December 15 to March 15.

During the period from December 15 to March 15 of each year, it shall be unlawful for the driver of any vehicle to park such vehicle on any off-street parking area between the hours of 12:00 midnight and 6:00 a.m. The police department is hereby authorized and directed to remove to any public garage any vehicle found parked on any off-street parking area during such period of the year and within such hours, and the expense of towing such vehicle and any storage charges incurred shall be collected from the owner of the vehicle.

(Code 1970, § 21-152)

Sec. 22-195. Backing into parking spaces prohibited.

No vehicle shall back into any of the parking spaces provided in any off-street parking area.

(Code 1970, § 21-153)

Sec. 22-196. Parking in open spaces or driveways.

It shall be unlawful for any person to park any vehicle in or on any open space or driveway in any off-street parking area, such spaces and driveways being shown on the drawings referred to in section 22-191.

(Code 1970, § 21-154)

Sec. 22-197. Parking of trucks greater than one-half ton, buses and trailers prohibited.

The parking of trucks of more than one-half ton capacity, the parking of buses and the parking of trailers, or any section or sections thereof, is hereby prohibited at all times on any part of any off-street parking area.

(Code 1970, § 21-155)

Sec. 22-198. Removal of vehicle at police officer's request.

Any owner or operator of a vehicle parked upon any off-street parking area shall, on request by any police officer on duty, move such vehicle from such parking area, if such removal is deemed necessary to facilitate snow removal or to better protect the safety of the traveling public, or if such vehicle is parked or operated in an illegal manner.

(Code 1970, § 21-156)

Sec. 22-199. City Hall yard parking area.

(a) There are hereby established, set aside and reserved in the City Hall yard, six (6) automobile parking spaces for the sole and exclusive use of the mayor and such other officials of the city as the mayor may from time to time designate.

(b) There are hereby established, set aside and reserved in the City Hall yard, an additional seventeen (17) automobile parking spaces for the sole and exclusive use of such city employees as the mayor may from time to time designate.

(c) The automobile parking spaces established, set aside and reserved by subsections (a) and (b) shall be so located, marked, designated and changed as the mayor shall from time to time, by exclusive order, direct. The mayor is hereby expressly authorized to promulgate and establish such rules and regulations relative to the location and use of such parking spaces as he shall from time to time, in his sole discretion, deem necessary or desirable in the best interests of the city.

(d) The automobile parking spaces in the City Hall yard, not established, set aside and reserved by the preceding provisions of this section, shall be reserved for the use of the general public having business in the City Hall.

(Code 1970, § 21-157)

Secs. 22-200--22-209. Reserved.

DIVISION 3. PARKING METERS*

***State law reference(s)**--Municipal authority relative to parking meters, M.G.L.A. c. 40, §§ 22A--22C.

Sec. 22-210. Definitions.

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them:

Off-street parking areas shall mean the off-street parking areas established by section 22-191.

Parking meter shall mean a mechanical device which consists of a standard upon which a case is set containing a timing device and signal, indicating clearly the time to elapse until the period of legal parking expires, during which period parking is permitted in the parking spaces which the parking meter controls. The signal shall also indicate when the time for legal parking has expired in such space.

Parking meter space shall mean the space alongside the curb in which a vehicle may be properly parked, which shall be indicated clearly by painted lines or otherwise, and adjacent to which a parking meter is installed. With reference to off-street parking areas, the term "parking meter space" shall mean a parking space, as defined in this section, adjacent to the front end of which a parking meter is installed.

Parking space, as used in connection with off-street parking areas, shall mean the space indicated on plans of the off-street parking areas on file in the city clerk's office in which a vehicle may be properly parked and which shall be indicated clearly by painted lines or otherwise.

Parking meter zones shall mean the streets or parts of streets in which the use of parking meters is authorized by this division, and the numbered parking spaces on each of the off-street parking areas in which the use of parking meters is authorized by this division.

(Code 1970, § 21-163)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 22-211. Meter zones and parking time limits established--On streets.

The streets or parts of streets described in section 22-289 are hereby established as parking meter zones, with parking restrictions as specifically indicated for each such zone.

(Code 1970, § 21-164)

Sec. 22-212. Meter zones and parking time limits established--In off-street parking areas.

The numbered parking spaces as shown on plans for each individual off-street parking area and described in section 22-290, are hereby established as parking meter zones, with parking meter restrictions as specifically indicated for each zone.

(Code 1970, § 21-165; Ord. No. 13-1997, § I, 1-21-97)

Sec. 22-213. Installation and maintenance.

(a) The director of public works shall install parking meters, including curb or street marking lines and lines on the off-street parking areas, in the areas designated in this division as parking meter zones, and shall have charge of the regulation and operation thereof and shall maintain such meters in good workable condition.

(b) Parking meters shall not be installed at locations designated as service zones.

(Code 1970, § 21-166; Ord. of 12-10-85, § IB; Ord. No. 97-1998, § I, 7-28-98)

Sec. 22-214. Location and construction generally.

In on-street parking meter zones, parking meters shall be placed upon the curb, next to the individual parking places. Parking meters shall be placed on the various off-street parking areas, as shown on the plans on file with the city clerk, in the spaces designated in section 22-290. All such meters shall be so constructed as to display a signal showing legal parking upon deposit of proper coins indicated by the instructions on the meters.

(Code 1970, § 21-167)

Sec. 22-215. Location where parking prohibited.

Notwithstanding the provisions of this division, parking meters shall not be erected nor shall parking meter spaces and zones be established in any street or parts of streets where parking may by law be prohibited, except as specifically provided herein.

(Code 1970, § 21-168)

Sec. 22-216. Hours of operation.

Parking meters shall operate and control parking in the parking meter zones established in this division between the hours of 9:00 a.m. and 6:00 p.m. on every day, specifically exempting Sundays and legal holidays, except for ten-hour parking meters, which shall operate and control parking between the hours of 8:00 a.m. and 6:00 p.m. on every day, specifically exempting Sundays and legal holidays.

(Code 1970, § 21-169; Ord. No. 30-1991, 9-3-91)

Sec. 22-217. Vehicle to be parked within lines of metered space.

Whenever any vehicle shall be parked adjacent to a parking meter on a street, the operator of the vehicle shall park within the area designated by the curb or street

marking lines as indicated for angle or parallel parking. In off-street parking areas, the vehicle shall be parked within the lines indicating the parking space, as required by section 22-193.

(Code 1970, § 21-171)

Sec. 22-218. Deposit of coin required; overtime parking; exemption.

(a) When a vehicle is parked in a parking space for which a parking meter has been installed under this division, the driver shall, upon entering the parking space, immediately deposit, in the meter, appropriate coins as indicated by the instructions on the meter. It shall be unlawful for any person to fail or neglect to deposit such coins. Upon such deposit, the parking space may then be used by such vehicle during the time prescribed in this division according to the sum thus deposited. The vehicle shall be unlawfully parked if it shall remain in such space beyond the period of time which the driver shall have deposited such coins in the meter. It shall be unlawful for any person to cause any vehicle to be unlawfully parked as provided in this section.

(b) No parking meter fees shall be exacted under subsection (a) nor shall any penalty be imposed for failure to pay such fees for the parking of any vehicle owned and driven by a disabled veteran or by a handicapped person and bearing the distinctive number plates authorized therefor by M.G.L.A. c. 90, § 2.

(Code 1970, § 21-172)

Sec. 22-219. Parking meter fees prescribed.

All meter fees shall be at the rate of twenty-five cents (\$0.25) per hour.

(Code 1970, § 21-170; Ord. of 1-11-83; Ord. of 4-19-83, § II; Ord. of 8-12-86, § I; Ord. No. 107-1998, § I, 7-28-98)

Sec. 22-220. Deposit to extend parking time beyond maximum legal time prohibited.

(a) It shall be unlawful for any person to deposit, or cause to be deposited, in a parking meter any coin for the purpose of extending the parking period beyond the maximum legal limit established for any particular parking meter zone established by this division.

(b) The parking meter attendant shall have no authority to turn the parking meters when left with unused time on the dials.

(Code 1970, § 21-173; Ord. of 1-11-83, § V)

Sec. 22-221. Exemptions from deposit for commercial vehicles loading or unloading.

Operators of commercial vehicles may park in an on-street metered space without depositing a coin for a period not to exceed thirty (30) minutes for purposes of loading or unloading. Parking in excess of this time limit, without depositing the proper coin, shall be deemed a violation of the provisions of this division.

(Code 1970, § 21-174)

Sec. 22-222. Tampering with, breaking, etc., meters; depositing slugs.

It shall be unlawful for any person, not authorized to do so, to tamper with, break, injure or destroy any parking meter, or to deposit or cause to be deposited therein any slugs or any other device or metallic substance or any other substitute for the coins required to be deposited by this division.

(Code 1970, § 21-175)

Sec. 22-223. Collection of deposits and inspection of meters.

The director of public works shall have the authority and duty to collect or cause to be collected, weekly or more often at his discretion, all coins deposited in the parking meters located in the city and to inspect or cause to be inspected such parking meters weekly, or may be necessary, to see that they are in proper working order. The director of public works shall maintain a list of the number of each parking meter which is not in proper working order. Said list shall be posted in the police station, department of public works and a copy provided to the parking clerk.

[“The Director of Public Works” \(in two places\) \(Ord. 04-31 Deleted 10/19/04\)](#)

[REPLACE with “The Chief of Police” \(in two places\) and by striking the](#)

[“department of public works” \(Ord. 04-31\)](#)

(Code 1970, § 21-176; Ord. of 12-10-85, § IA; Ord. No. 98-1998, § I, 7-28-98)

Secs. 22-224--22-226. Reserved.

Editor's note--Ord. No. 19-1992, § I, adopted July 14, 1992, amended this Code by repealing §§ 22-224--22-226. Formerly, § 22-224 pertained to disposition of deposits generally and derived from the 1970 Code, § 21-177, an ordinance adopted Dec. 10, 1985, § 1B, Ord. No. 41-1991, § I, adopted Dec. 17, 1991 and Ord. No. 30-1991, adopted Sept. 3, 1991. Section 22-225 pertained to payment of salaries and wages etc., from the parking meter account and was derived from the 1970 Code, § 21-178. Section 22-226 pertained to the purchase of equipment necessary to enforce the division and was derived from the 1970 Code, § 21-179.

Sec. 22-227. Records of receipts and disbursements.

The director of public works and the city treasurer shall keep whatever records may be necessary to show all parking meter receipts and disbursements.

(Code 1970, § 21-180; Ord. of 12-10-85, § IB; Ord. No. 99-1998, § I, 7-28-98)

Sec. 22-228. Duty of police as to violations of division.

It shall be the duty of the police department to take the parking meter number and the state vehicle number of all vehicles whose operators violate the provisions of this division and to cause to be imposed the penalties provided in section 1-14. When a

parking meter is found to be not in proper working order by the police chief, the meter number shall be posted and no violation of section 22-218 of this division shall issue.

(Code 1970, § 21-181; Ord. of 12-10-85, § IC)

Sec. 22-229. Parking control device.

Parking bags will be issued for use by contractors working in the downtown area with a ten dollar (\$10.00) deposit, of which five dollars (\$5.00) will be returned to the contractor upon return of the parking meter bags. These bags will be picked up and returned to the city treasurer's office, City Hall on a daily basis.

DELETE "returned to the city treasurer's office, City Hall on a daily basis" (Ord. 04-32 Deleted 10/19/04)

ADD: "returned to the Police Department on a daily basis, or as required by the Chief of Police. (Ord 04-32 10/19/04)

(Ord. No. 23-1994, § I, 11-1-94)

Sec. 22-230. Downtown Parking Permits

Downtown Permit Parking for all ten-hour meters, with the fee being \$50.00 per month per person, or \$600.00 annually per person for those having a valid business in Gloucester. (Ord. 04-10 7-13-04)

Secs. 22-231--22-239. Reserved.

DIVISION 4. TOW-AWAY ZONES

Sec. 22-240. Statutory authority.

In accordance with the provisions of M.G.L.A. c. 40, § 22D, the city council hereby enacts the regulations imposed by this division authorizing the immobilization or removal to a convenient place of vehicles parked or standing in such manner, or in such areas as are hereinafter described on any way under the control of the city. Vehicles specifically exempt by M.G.L.A. c. 40, § 22D shall not, however, be subject to such immobilization or removal.

(Code 1970, § 21-191)

Sec. 22-241. Authorization of police.

The moving, towing or immobilization of any vehicle under the provisions of this division shall be by and at the direction of the chief of police or such other officers of the rank of sergeant or higher as he may designate from time to time.

(Code 1970, § 21-192; Ord. of 5-18-82, § 4)

Cross reference(s)--Police department, § 17-15 et seq.

Sec. 22-242. Parking prohibitions; towing; immobilization; signs.

No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the locations hereinafter described:

- (1) Upon any way in such a manner as to impede the removal or plowing of snow or ice, except vehicles parked in accordance with approved regulations governing all-night parking;
- (2) Upon any sidewalk, with or without curbing;
- (3) Upon any crosswalk;
- (4) Upon any way within twenty (20) feet of an intersecting way, except alleys;
- (5) Upon any curb ramp designed for use by handicapped persons as a means of egress to a street or public way;
- (6) In any parking space reserved for a vehicle used by a disabled veteran or handicapped person, when the vehicle occupying or obstructing such space does not bear the distinguishing license plate authorized by M.G.L.A. c. 90, § 2;
- (7) Upon any way within ten (10) feet of a fire hydrant;(8) On the roadway side of any vehicle stopped or parked at the edge or curb of the way;
- (9) In front of a public or private driveway;
- (10) Upon any way where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic;
- (11) In the beach district, as designated in section 22-176(b);
- (12) In or upon streets or ways or parts of streets or ways described in section 22-291 which have been designated or may hereafter be designated through ordinance amendments, which streets or ways shall be considered included as part of this section;
- (13) Upon any public landing where the parking of a vehicle will not leave a clear and unobstructed lane at least twelve (12) feet wide for passing vehicles and boat trailers.

(Ord. No. 13-1992, § I, 5-5-92)

Sec. 22-243. Release of vehicles; fees.

- (a) *Removed or immobilized vehicles.* Upon removal or immobilization of a vehicle, the police department shall promptly determine the owner of the vehicle and shall send to the owner, by certified mail, a notice listing the whereabouts of the vehicle, the alleged offense and the means of securing the release of the vehicle. The notice also shall contain a warning that if unclaimed within ten (10) days following receipt of such notice, the vehicle shall be subject to disposal in accordance with the procedures of M.G.L.A. c. 135, § 8. Storage fees assessed under section 22-244 shall be calculated from the time such notice is sent.
- (b) *Payment of outstanding notices of violation.* In addition to the deposits, fees and charges required by subsection (a), no vehicle which has been

immobilized, removed or towed away under the provisions of this division shall be released unless due notice has been received that the fines provided in any outstanding notices of violation of any of the parking prohibitions of this article have been paid or security for the payment thereof has been deposited. Such notice shall be on a form provided by the parking clerk dated and signed by the clerk, which form shall indicate that all such payments have been made or deposits received. As used in this paragraph the term "notice of violation" shall include all citations or notices of violation issued with regard to the vehicle in question in the immediate calendar year and the calendar year preceding the immediate calendar year.

(Ord. of 5-18-82, § 3; Ord. of 2-28-84, § I)

Sec. 22-244. Fees.

The city council hereby imposes upon the owner of any vehicle moved or towed to a convenient place, under the provisions of this article, the following fees:

- (1) Removal or towing fee . . . \$25.00
- (2) Storage fees
 - a. For any 24 hour period . . . 10.00
 - b. For any period less than 24 hours . . . 5.00

(Code 1970, § 21-193; Ord. of 12-7-76, § 1)

Sec. 22-245. Liability for damage during removal or storage.

- (a) The towing contractor shall be liable to the owner for any damage to a vehicle in the course of removal or storage.
- (b) Vehicles found in violation of the provisions of this section, except those specifically exempt by M.G.L.A. c. 40, § 22D, shall be subject to citation and to removal or immobilization. Removal shall be to a convenient place under the direction of an officer of the police department. The owner of a vehicle so removed or towed away shall be liable for the storage and removal fees set forth in this division in addition to the penalties provided in section 22-176.
- (c) The provisions of subsection (a) relative to citation and removal of vehicles violating the parking prohibitions enumerated in subsections (10) through (12) thereof shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "Tow-Away Zone" are installed, erected, maintained and located so as to be visible to approaching drivers, such signs to be appended above or incorporated into the legend of parking prohibition signs. The provisions of subsection (a) relative to citation and removal of vehicles violating the general parking prohibitions enumerated in subsections (1) through (9) thereof shall be effective without the posting of any such signs.

(Code 1970, §§ 21-195--21-197; Ord. of 5-18-82, § I; Ord. of 5-18-82, § 6)

Sec. 22-246. Police to keep records of towed vehicles.

The police department shall keep a record of all vehicles towed, immobilized or removed under the provisions of this division. Such record shall be retained for one (1) year and shall contain the following information:

- (1) The registration of the vehicle;
- (2) The location from which it was towed, and the time and date of the order or, where applicable, the location at which it was immobilized;
- (3) The location to which it was moved;
- (4) The fee charged for towing;
- (5) The name of the towing contractor, if any;
- (6) The name and rank of the officer who authorized towing or immobilization.

(Code 1970, § 21-198; Ord. of 5-18-82, § 7)

Cross reference(s)--Police department, § 17-15 et seq.

Secs. 22-247--22-264. Reserved.

ARTICLE VI. TRAFFIC SCHEDULES

Sec. 22-265. Turning movements--Generally.

Turning movements at the following locations are hereby restricted in the manner indicated below when official signs are in place giving notice thereof in accordance with section 22-75:

Addison Street, at its intersection with School Street, right turn only.

Amero Court, at its intersection with East Main Street, left turn only.

Elm Street, at its intersection with Main Street, right turn only.

Hancock Street, northbound into Main Street, left turn only.

Hancock Street, southbound into Main Street, right turn only.

Liberty Street, at its intersection with Pleasant Street, right turn only.

Smith Street, at its intersection with Pleasant Street, left turn only.

Washington Street, at Grant Circle, for vehicles leaving shopping center, right turn only.

Washington Street, southerly direction, at its intersection with Wheeler Street, right turn prohibited.

(Code 1970, § 21-155(a); Ord. of 9-19-78, § 1; Ord. of 11-13-79, § II; Ord. of 1-22-80, § II; Ord. of 3-23-82, § I; Ord. of 4-3-84, § I; Ord. of 1-28-86, § I)

Sec. 22-266. Turning movements--U-turns.

U-turns are prohibited at the following locations when official signs are in place giving notice thereof in accordance with section 22-76:

Western Avenue, westerly direction, at a point 72 feet easterly of Centennial Avenue, from April 1 to November 1, of each year.

Willow Street, at its intersection with Cedar Street.

(Code 1970, § 21-55(b); Ord. No. 2-1992, § I, 2-11-92; Ord. No. 14-1997, § I, 1-21-97)

Sec. 22-267. One-way streets--Generally.

In accordance with section 22-110, the following are designated as one-way streets and traffic thereon shall move only in the direction required by official signs for such streets, as indicated below:

Amero Court, from East Main Street to Bass Avenue, in a northerly direction.

Angle Street, for its entire distance, in an easterly direction.

Barberry Lane, from Gerring Road to Mt. Pleasant Avenue. (Ord. 02-54, 11/12/2002)

Bass Rocks Road, in a westerly direction from its intersection with Nautilus Road to its intersection with Atlantic Road. (Ord. 02-15 4/16/2002)

Blynman Avenue, from Granite Street for a distance of 405 feet, in a westerly direction.

Chestnut Street, from Prospect Street to Main Street, in a southerly direction.

Church Street, from Middle Street to Proctor Street, in a northerly direction.

Concord Street moving into Essex Avenue, in a westerly direction, vehicles to pass to the right of the traffic island at or near the intersection of Concord Street with Essex Avenue.

Cross Street, from East Main Street to Eastern Avenue, in a northerly direction.

Curtis Square, for its entire distance, from Whittemore Street to Centennial Avenue in an ENE direction.

Dale Avenue, for its entire distance from Prospect Street to Middle Street in a southerly direction.

Duncan Street, from Main Street to Rogers Street, in a southerly direction.

East Main Street, from Bass Avenue to Sayward Street, in an easterly direction.

Elm Street, between Federal Street and Prospect Street, in a northerly direction.

Englewood Road, year round, 150 feet up Englewood Road from Lowe Drive from the intersection with Magnolia Avenue to Ocean Avenue.

Essex Avenue moving into Concord Street, in an easterly direction, vehicles to pass to the right of the traffic island at or near the intersection of Essex Avenue with Concord Street.

Fair Street, from Friend Street to Eastern Avenue, in a southeasterly direction.

Federal Street, from Pleasant Street to Elm Street, in an easterly direction.

Fort Square, from that part of Fort Square, which is about 300 feet southeasterly from Commercial Court and proceeding westerly, southerly, easterly, and northerly to the end of the street at Commercial Street, which point is about 500 feet southeasterly of Commercial Court.

Foster Street, from Summer Street to Washington Street, in an easterly direction.

Fremont Street, from its intersection with Rocky Neck Avenue, in a westerly direction, to its intersection with Rackliffe Street.

Granite Street, from Blynman Avenue for a distance of 420 feet, in an easterly direction.

Granite Street, from Washington Street to Summer Street, in a westerly direction.

Hancock Street, from Middle Street to Main Street in a southerly direction.

Haskell Street, from the junction of Hammond Street, Traverse Street and Haskell Street with Blake Court to East Main Street, in a westerly direction.

High Street, from Washington Street to its intersection with Hickory Street, in an easterly direction.

Main Street, from Pleasant Street to Manual F. Lewis Street, in a westerly direction.

Main Street, from Flannagan Square to Manuel Lewis Street, from east to west for a trial period of thirty (30) days. (Ord. 02-39, 7/9/2002)

Main Street, from Flannagan Square to Manuel Lewis Street, from east to west. (Ord. 03-07, 01/21/2003)

Mansfield Way, from Main Street to Rogers Street, in a southerly direction.

Mansfield Way, from its intersection with Western Avenue for a distance of 420 feet, in a northerly direction.

Maple Street, from Warner Street to Mt. Vernon Street, in an easterly direction.

Marchant Street, from Prospect Street to Spring Street, in a southerly direction.

Mason Street, from School Street to Prospect Street, in a northerly direction.

Middle Street, easterly direction from its intersection with Center Street to its intersection with Hancock Street.

Middle Street, from Dale Avenue to Pleasant Street, in an easterly direction.

Middle Street, from School Street to Washington Street in a westerly direction.

Nautilus Road, for its entire distance, in a southerly direction.

Oak Street, from Mt. Vernon Street to Warner Street, in a westerly direction.

Orchard Street, from Washington Street to Summer Street, in a westerly direction.

Perkins Street, from Western Avenue to Centennial Avenue, in a northerly direction.

Pleasant Street, from its intersection with Prospect Street to its intersection with Shepherd Street, in a northerly direction.

Porter Street, from Main Street to Rogers Street, in a northerly direction.

Proctor Street,

Prospect Square, running southerly from Prospect Street, vehicles to enter Prospect Square from the westerly end or opposite Allen Street, and to leave Prospect Square from the easterly end thereof nearest Warner Street and Winchester Court.

Rackliffe Street, from its intersection with Fremont Street, in a northerly direction, for its entire length from March 15 to November 15 annually.

River Road, from Bridgewater Street for its entire length in a southerly and westerly direction.

Riverview Road, beginning at a point on the easterly side of the Riverview Road Rotary and post a sign on the opposite end of the Rotary reading "NO VEHICLES SHALL ENTER."

Rocky Neck Avenue, from its intersection with Wonson Street in a northerly direction to its intersection with Stevens Lane.

Sayward Street, easterly direction from its intersection with East Main Street to its intersection with Bass Avenue.

School Street, from its intersection with Railroad Avenue to its intersection with Prospect Street.

School Street, from its intersection with Prospect Street in a southerly direction to its intersection with Proctor Street.

Shore Road, from its intersection with Magnolia Avenue in its entirety.

Short Street, from Main Street to Middle Street, in a northerly direction.

Spring Street, for its entire length from Prospect Street to Main Street, in a southerly direction.

Stevens Lane, for its entire length, in a westerly direction.

Summer Street, from its intersection with Granite Street, in a southerly direction to its intersection with Riggs Street.

Taylor Street, from Staten Street to Elwell Street, in a easterly direction.

Warren Street, from Pleasant Street to Dale Avenue, in a westerly direction.

Washington Square, from its intersection with Granite Street to a point fifty-five (55) feet, in a westerly direction, from its intersection with Washington Street.

Washington Street, from Andrews Street to Butman Avenue, in a northerly direction during church services including special functions such as funeral services and special services with portable signs to be placed by members of the church with the police to be notified for other than Sunday mornings between 9:30 a.m. and 1:00 p.m.

Washington Street, from Main Street to Middle Street, in a northerly direction.

Wells Street, from Commonwealth Avenue to Beacon Street.

Western Avenue, southerly lane, from the Blynman Bridge to the Tavern, in an easterly direction and Western Avenue, northerly lane, from the Tavern to Blynman Bridge, in a westerly direction.

Williams Court, from its intersection with Eastern Avenue to its intersection with Hartz Street for its entire length, in an easterly direction.

Wonson Street, from Stevens Lane to Rocky Neck Avenue, in a southerly direction.

(Code 1970, §§ 21-90, 21-92; Ord. of 1-22-76, § 1; Ord. of 7-22-76, § 1; Ord. of 11-19-76, § 1; Ord. of 3-28-78, § 1; Ord. of 9-19-78; Ord. of 6-12-79, § I; Ord. of 11-13-79, § I; Ord. of 1-22-80, § I; Ord. of 3-23-80, § I; Ord. of 6-16-81, § I; Ord. of 12-20-83, § I; Ord. of 5-22-84, § I; Ord. of 1-8-85, § I; Ord. of 10-15-85, § I; Ord. of 7-7-87, § I; Ord. of 8-9-88, § I; Ord. No. 22-1991, § I, 6-18-91; Ord. No. 37-1991, § I, 10-22-91; Ord. No. 1-1994, § I, 3-15-94; Ord. No. 5-1994, § I, 4-5-94; Ord. No. 15-1995, § I, 2-7-95; Ord. No. 22-1995, § I, 3-21-95; Ord. No. 5-1996, § I, 3-19-96; Ord. No. 47-1996, § I, 10-15-96; Ord. No. 53-1997, § I, 7-22-97)

Sec. 22-268. One-way streets--From May 1 to September 15.

In accordance with section 22-111, the following streets are designated as one-way streets from May 1 to September 15 and traffic thereon shall move only in the direction indicated below:

Arlington Street, for its entire length, in a northeasterly direction.

Beach Road, Bass Rocks, from Atlantic Road to Nautilus Road, in an easterly direction.

Harbor Road, Bass Rocks, from Atlantic Road to Nautilus Road, annually.

(Code 1970, §§ 21-92, 21-92.1; Ord. of 22-1991, § I, 6-18-91; Ord. No. 10-1996, § I, 4-2-96; Ord. No. 15-97, § I, 1-21-97)

Sec. 22-269. Stop intersections.

In accordance with section 22-128, the following are stop intersections with official stop sign or flashing red signal thereon facing traffic proceeding in the direction indicated below:

Alper Road. Eastbound traffic on Alper Road at its intersection with Main Street.

Andrews Street. Eastbound drivers on Andrews Street at its intersection with Langsford Street.

Angle Street. Southbound drivers on Angle Street at its intersection with Western Avenue.

Apple Street, both directions, at its intersection with Juniper Road. (Ord. 01-19 6/5/2001)

Atlantic Road. Northbound drivers on Atlantic Road at its intersection with Bass Avenue.

Atlantic Street. Westbound drivers on Atlantic Street at its intersection with Concord Street.

Barn Lane. At its intersection with Thatcher Road.

Bass Avenue, in a southerly direction at its intersection with Thatcher Road.
(Ord. 02-57, 12/17/2002)

Beach Road. Eastbound drivers on Beach Road at its intersection with Atlantic Road.

Beach Road. Northerly side in a westerly direction at the intersection of Atlantic Road.

Beach Road. Southwestbound drivers on Beach Road at its intersection with Haskell Street.

Beauport Avenue. Southeastbound drivers on Beauport Avenue at Madison Avenue.

Birch Grove Heights. At its intersection with Bond Street.

Blynman Avenue. Eastbound and westbound drivers on Blynman Avenue at its intersection with Centennial Avenue.

Bray Street, at its intersection with Atlantic Road, and that a sign be erected (marked by the traffic commission) and printed STOP on the pavement of Bray Street.
(Ord. 05-06 2/1/05)

Brightside Avenue. Northbound drivers on Brightside Avenue at its intersection with Bass Avenue.

Brightside Avenue. At its intersection with Beach Road.

Castle Hill Road. Southeastbound drivers on Castle Hill Road, at its intersection with Hesperus Avenue.

Causeway Street. Southbound traffic at its intersection with Concord Street.

Cedarwood Road. Eastbound traffic on Cedarwood Road at its intersection with Concord Street.

Centennial Avenue. Northbound drivers on Centennial Avenue at its intersection with Washington Street.

Centennial Avenue. Southbound drivers on Centennial Avenue at its intersection with Western Avenue.

Center Street. Southbound traffic on Center Street at Main Street.

Chapel Street. Northwestbound drivers on Chapel Street at its intersection with East Main Street.

Chapel Street. Southwestbound drivers on Chapel Street at its intersection with Mt. Pleasant Avenue.

Chapel Street. At its intersection with Davis Street/Davis Street Extension from both directions (two (2) stop signs).

Cherry Hill Road. At its intersection with Cherry Street.

Cherry Street. Northbound traffic on Cherry Street at its intersection with Gee Avenue.

Cherry Street. Southbound traffic on Cherry Street at its intersection with Poplar Street.

Chestnut Street. Southbound drivers on Chestnut Street at its intersection with Main Street.

Church Street. Northbound and southbound drivers on Church Street at its intersection with Pine Street.

Church Street. Northbound and southbound drivers on Church Street at its intersection with Proctor Street.

Cleveland Street. Westbound drivers on Cleveland Street at its intersection with Maplewood Avenue.

Cleveland Street. All drivers on Cleveland Street at its intersection with Sargent Street.

Commercial Street. Northbound drivers on Commercial Street at its intersection with Washington Street.

Commonwealth Avenue. Westbound drivers on Commonwealth Avenue at its intersection with Centennial Avenue.

Concord Street. Southbound drivers on Concord Street at its intersection with Atlantic Street.

Crafts Road. Southbound drivers on Crafts Road at its intersection with Causeway Street.

Cross Street. Northbound and westbound drivers on Cross Street at its intersection with Eastern Avenue.

Dale Avenue. At its intersection with Middle Street.

Davis Street. Northeast and southwestbound drivers on Davis Street at its intersection with Chapel Street.

Derby Street. Eastbound drivers on Derby Street at its intersection with Maplewood Avenue.

Dr. Osman Babson Road. Southbound traffic on Dr. Osman Babson Road at its intersection with Washington Street.

Duncan Street. Northbound and southbound drivers on Duncan Street at its intersection with Rogers Street.

East Main Street. Northwestbound drivers on East Main Street at its intersection with Bass Avenue.

Elm Street. Southbound drivers on Elm Street at its intersection with Main Street.

Elwell Street. Southeastbound drivers on Elwell Street at its intersection with Friend Street.

Emmerson Avenue. Eastbound drivers on Emerson Avenue at its intersection with Centennial Avenue.

Finch Lane. At its intersection with Cherry Street.

Flannagan Square. At the northern end of the traffic island facing Prospect Street.

Flume Road. Eastbound and westbound drivers on Flume Road at its intersection with Lexington Avenue.

Friend Street. Northeastbound drivers on Friend Street at its intersection with Webster Street.

Gaffney Street. Eastbound drivers on Gaffney Street at its intersection with Hampden Street.

Gloucester Avenue. At its intersection with Maplewood Avenue in a westerly direction.

Gloucester Avenue. Eastbound drivers on Gloucester Avenue at its intersection with Maplewood Avenue.

Gloucester Avenue. Southwestbound and northeastbound drivers on Gloucester Avenue at Washington Street.

Granite Street. At its intersection with Summer Street.

Grape Vine Road. Westbound drivers on Grape Vine Road at its intersection with Eastern Point Road.

Green Street. Eastbound drivers on Green Street at its intersection with Perkins Street.

Green Street, at the exit point at Ganine Doucette Playground. (Ord. 03-10 02/04/2003)

Grove Street. Eastbound and westbound drivers on Grove Street at its intersection with Maplewood Avenue.

Hancock Street. Northbound and southbound traffic at its intersection with Main Street.

Hancock Street. Southbound drivers on Hancock Street at its intersection with Rogers Street.

Hartz Street. Northbound drivers on Hartz Street at its intersection with Eastern Avenue.

Harvey Place. Eastbound traffic on Harvey Place at its intersection with Washington Street.

Haskell Street. Northwestbound drivers on Haskell Street at its intersection with East Main Street.

Haskell Street. Westbound drivers on Haskell Street at its intersection with Traverse Street.

Haywood Road. At its intersection with Gloucester Avenue.

Haywood Road. At its intersection with Riverside Avenue.

Herrick Court. Eastbound traffic at its intersection with Main Street.

Hesperus Avenue. At its intersection with Fuller Street.

Hesperus Avenue. At its intersection with Norman Avenue, both directions. (Ord. 02-07 3/19/2002)

Hickory Street, at its intersection with High Street. (Ord. #01-40 10/23/2001)

High Popples Road. At its intersection with Grapevine Road.

Highland Street. At its intersection with East Main Street.

Highland Street. At its intersection with Mt. Pleasant Avenue.

Holly Street. Southbound traffic on Holly Street at its intersection with Washington Street.

Hough Avenue. Northbound and southwestbound traffic on Hough Avenue at the intersection of Western Avenue.

Knowlton Northwestbound drivers on Knowlton Square at Madison Avenue.

Kondelin Road. Eastbound drivers on Kondelin Road at its intersection with Magnolia Avenue.

Leonard Street. Northeastbound drivers on Leonard Street at its intersection with Washington Street.

Leslie O. Johnson Road. Northwestbound drivers on Leslie O. Johnson Road at Blynman Avenue.

Leslie O. Johnson Road. Southeastbound drivers on Leslie O. Johnson Road at Centennial Avenue.

Lexington Avenue. Northbound and southbound drivers on Lexington Avenue at its intersection with Hesperus Avenue.

Lexington Avenue. Northbound drivers on Lexington Avenue at its intersection with Norman Avenue.

Lincoln Avenue. Southwestbound drivers on Lincoln Avenue at Blynman Avenue.

Lincoln Avenue. At its intersection with Emerson Avenue.

Long Beach Road, at its intersection with Rockport Road. (Ord. 02-36, 9/24/2002)

Madison Avenue. Northeastbound traffic on Madison Avenue at its intersection with Acacia Street.

Madison Avenue. Southwestbound drivers on Madison Avenue at Washington Street.

Madison Court. Northbound traffic on Madison Court at its intersection with Gloucester Avenue.

Madison Court. Southbound traffic on Madison Court at its intersection with Madison Avenue.

Magnolia Avenue. Eastbound drivers on Magnolia Avenue at its intersection with Raymond Street.

Magnolia Avenue. Northbound and southbound drivers on Magnolia Avenue at its intersection with Western Avenue.

Magnolia Avenue, at its intersection with Essex Avenue.(Ord. 01-08 3/13/2001)

Main Street. At its intersection with Washington Street.

Mansfield Street, eastbound, at its intersection with Riggs Street. (Ord. 02-13 4/16/2002)

Mansfield Street. Westbound drivers on Mansfield Street at its intersection with Riggs Street.

Manuel F. Lewis Street. Northbound drivers on Manuel F. Lewis Street at its intersection with Main Street.

Marble Road. Easterly and westerly bound traffic at its intersection with Harriet Road.

Marina Drive. Northwestbound drivers on Marina Drive at Eastern Avenue.

Middle Street. Westbound drivers on Middle Street at its intersection with Washington Street.

Middle Street. Westbound drivers on Middle Street at its intersection with Western Avenue.

Millett Street. At its intersection with Sargent Street.

Moorland Road, at its intersection with Atlantic Road with stop sign to be placed before the crosswalk. (Ord. 03-37, 10/28/2003)

Mt. Pleasant Avenue. At its intersection with Moorland Road.

Mt. Vernon Street. Southbound drivers on Mt. Vernon Street at its intersection with Prospect Street.

Mt. Vernon Street. Eastbound and westbound drivers on Mt. Vernon Street at its intersection with Perkins Street.

Nally Avenue. Westbound drivers on Nally Avenue at its intersection with Wheeler Street.

Nautilus Road. Southbound traffic on Nautilus Road at its intersection with Atlantic Road.

Norman Avenue. Westbound drivers on Norman Avenue at its intersection with Fuller Street.

Norman Avenue. Westbound drivers on Norman Avenue at its intersection with Magnolia Avenue.

Ocean Avenue. Southbound and northbound drivers on Ocean Avenue at its intersection with Norman Avenue.

Orchard Street. At its intersection with Summer Street.

Oxford Road. At its intersection with Starknought Heights Road and at its intersection with Starknought Road.

Palfrey Road, at its intersection with Rockport Road. (Ord. 02-37, 9/24/2002)

Pleasant Street. Northbound traffic at its intersection with Main Street.

Pleasant Street. Northbound and southbound drivers on Pleasant Street at its intersection with Prospect Street.

Pleasant Street. Both sides at its intersection with Shepherd Street.

Pond Road. At its intersection with Eastern Avenue.

Poplar Street. At its intersection with Washington Street.

Porter Street. Northbound traffic on Porter Street at its intersection with Main Street.

Proctor Street. At its intersection with School Street.

Prospect Street. Southbound drivers on Prospect Street at its intersection with Main Street.

Prospect Street. Westbound drivers on Prospect Street at its intersection with Washington Street.

Railroad Avenue. Westbound drivers on Railroad Avenue at its intersection with Washington Street.

Railroad Avenue. Westerly side at its intersection with Prospect Street.

Reservoir Road. Southbound traffic on Reservoir Road at its intersection with Cherry Street.

Reynard Street. Westbound traffic on Reynard Street at its intersection with Washington Street.

Reynard Street. Eastbound drivers on Reynard Street at its intersection with Cherry Street.

(Riggs Street. Northwestbound and southeastbound drivers on Riggs Street at its intersection with Mansfield Street. Ord. 02-14 Delete 4/16/2002)

Riverdale Park. At a point from their intersection with #31-32 and #60-61.

Riverside Avenue. Northerly side, adjacent to the easterly side of the driveway at #31 Riverside Avenue just prior to its intersection with Whittemore Street.

Riverside Avenue. At its intersection with Washington Street.

Rockport Road. At its intersection with Thatcher Road.

Rocky Neck Avenue. Eastbound drivers on Rocky Neck Avenue at its intersection with East Main Street.

Rogers Lane. Eastbound drivers on Rogers Lane at its intersection with Leonard Street.

Rogers Street, approximately thirty (30) feet from its intersection with Harbor Loop in a westerly direction for a distance of eighteen (18) feet. (Ord. 01-29 7/24/2001)

School Street. Northbound and southbound drivers on School Street at its intersection with Prospect Street.

Sadler Street. At its intersection with Webster Street.

Sayward Street. Southerly lane at its intersection with Brightside Avenue, and Northerly lane at its intersection with Bass Avenue.

School Street. Northbound drivers on School Street at its intersection with Railroad Avenue.

Scott Street. Southeastbound traffic on Scott Street at its intersection with Main Street.

Shepherd Street. Westbound drivers on Shepherd Street at its intersection with Pleasant Street.

Shore Hill Road. At its intersection with Wheeler Street.

Short Street. Southbound traffic at its intersection with Middle Street.

Skywood Terrace, at its intersection with Harrison Avenue. (Ord. 01-41 10/23/2001)

South Kilby Street. Northbound drivers on South Kilby Street at its intersection with Quarry Street.

Souther Road. Southbound traffic on Souther Road at its intersection with Moorland Road.

Souther Road. Northbound traffic on Souther Road at its intersection with Atlantic Road.

Spring Street. Eastbound traffic at its intersection with Main Street.

Stanwood Street. Eastbound traffic on Stanwood Street at its intersection with Gee Avenue.

Starknaught Heights, at its intersection with Witham Street. (Ord. 02-48 10/22/2002)

Starknaught Road, at its intersection with Starknaught Heights. (Ord. 02-49 10/22/2002)

Staten Street. Southbound drivers on Staten Street at its intersection with Taylor Street.

Steven's Lane. Southbound traffic on Steven's Lane at its intersection with Wonson Street.

Summer Street. Northbound and southbound drivers on Summer Street at its intersection with Granite Street.

Summer Street. Southbound drivers on Summer Street at its intersection with Essex Avenue.

Summer Street. At its intersection with Beacon Street.

Summer Street. At its intersection with Granite Street.

Summer Street. At its intersection with Concord Street.

Taylor Street, at its intersection with Elwell Street. (Ord. 01-30 7/24/01)

Thatcher Road. Southbound drivers on Thatcher Road at its intersection with Bass Avenue.

Thornhill Way. At its intersection with Seeall Street.

Twilight Avenue. Locate a Stop Sign on Twilight Avenue, easterly side, at its intersection with Cliff Road.

Warner Street. Southbound drivers on Warner Street at its intersection with Prospect Street.

Warwick Road. At its intersection with Rockport Road on the easterly side. (Ord. 02-08 3/19/2002)

Washington Street. Northeastbound drivers on Washington Street at its intersection with Langsford Street.

Warner Street. Westbound traffic on Warner Street at its intersection with Millet Street.

Washington Street. Westbound traffic on Washington Street at its intersection with Andrews Street.

Webster Street. Southeastbound drivers on Webster Street at its intersection with Eastern Avenue.

Wesley Street. Eastbound traffic on Wesley Street at its intersection with Hodgkins Street.

Wesley Street. Eastbound traffic at its intersection with Wheeler Street.

Wheeler Street. Southbound drivers on Wheeler Street at its intersection with Washington Street.

Whittemore Street. Southeast corner, at intersection with the road leading to the former Cape Ann Forge property.

Whittemore Street. At its intersection with Washington Street.

Witham Street. Northbound and southbound traffic at its intersections with Thatcher Road.

Witham Street. Northbound traffic at its intersection with Eastern Avenue.

Woodbury Street. Northbound traffic on Woodbury Street at its intersection with Washington Street.

Young Avenue. At its intersection with High Street.

(Code 1970, § 21-57; Ord. of 3-4-76, § 1; Ord. of 4-22-76, § I; Ord. of 7-12-77, § 1; Ord. of 3-14-78, § 1; Ord. of 6-20-78, § I; Ord. of 8-30-78, § I; Ord. of 11-14-78, § I; Ord. of 1-9-79, § I; Ord. of 2-6-79, § I; Ord. of 3-20-79, § I; Ord. of 9-11-79, § I; Ord. of 10-2-79, § I; Ord. of 1-22-80, § I; Ord. of 5-20-80, § I; Ord. of 7-1-80, § I; Ord. of 10-14-80, § I; Ord. of 2-24-81, § I; Ord. of 9-15-81, § I; Ord. of 7-6-82, § I; Ord. of 6-21-83, § I; Ord. of 8-9-83, § I; Ord. of 5-22-84, § I; Ord. of 11-13-84, § I; Ord. of 3-26-85, § I; Ord. of 11-19-85, § I; Ord. of 4-1-86, § I; Ord. of 3-10-87, § I; Ord. of 7-7-87, § I; Ord. of 12-22-87, § III; Ord. of 4-12-88, § I; Ord. of 5-10-88, § I; Ord. of 8-16-88, § I; Ord. of 11-29-88, § II; Ord. of 4-11-89, § I; Ord. of 9-5-89, § I; Ord. of 11-14-89, § I; Ord. of 12-19-89, § I; Ord. No. 8-1990, § I, 2-27-90; Ord. No. 24-1990, § I, 11-13-90; Ord. No. 2-1991, § I, 1-8-91; 26-1991, § I, 7-16-91; Ord. No. 32-1991, § I, 9-10-91; Ord. No. 3-1992, § I, 2-11-92; Ord. No. 17-1992, § I, 5-19-92; Ord. No. 39-1991, § I, 11-12-91; Ord. No. 38-1991, § I, 11-12-91; Ord. No. 3-1996, § I, 2-20-96; Ord. No. 15-1996, § I, 5-28-96; Ord. No. 44-1996, § I, 10-15-96; Ord. No. 45-1996, § I, 10-15-96; Ord. No. 7-1997, § I, 1-14-97; Ord. No. 46-1997, § I, 6-24-97; Ord. No. 57-1997, § I, 8-5-97; Ord. No. 72-1997, § I, 12-9-97; Ord. No. 81-1998, § I, 3-17-98; Ord. No. 83-1998, § I, 3-17-98; Ord. No. 84-1998, § I, 3-17-98; Ord. No. 87-1998, § I, 4-14-98; Ord. No. 104-1998, § I, 7-28-98; Ord. No. 127-1998, § I, 9-29-98; Ord. No. 10-1999, § I, 7-6-99; Ord. No. 22-1999, § I, 8-31-99; Ord. No. 23-1999, § I, 8-31-99; Ord. No. 28-1999, § I, 10-12-99; Ord. No. 29-1999, § I, 10-12-99; Ord. No. 31-1999, § I, 10-26-99; Ord. No. 32-1999, § I, 10-26-99; Ord. No. 71-2000, § I, 7-18-00; Ord. No. 80-2000, § I, 7-18-00; Ord. No. 111-2000, § I, 11-28-00; Ord. No. 113-2000, § I, 12-12-00)

Sec. 22-269.1. Yield intersections.

In accordance with section 22-90, "Stopping and yielding at intersections", the following are yield intersections with official "Yield" sign facing traffic proceeding in the direction as indicated:

Main Street, at the easterly end of the traffic island at the east end of Main Street at the junction of Eastern Avenue and East Main Street.

Prospect Street, at the monument, facing east, as you enter Pleasant Street from Prospect Street on the "Y" connector.

Raymond Street, on the southerly side, at its intersection with Shore Road.

Fuller Street, on the northerly side, at its intersection with Norman Avenue.

Hesperus Circle, northerly side, at its intersection with Hesperus Avenue. Ord. #02-06 03/19/2002

(Ord. No. 37-96, § I, 9-3-96)

Sec. 22-270. Parking prohibited at all times.

Upon the following streets or parts thereof or locations, it shall be unlawful for any person to park a vehicle at any time, when signs are in place giving notice thereof, in accordance with section 22-156:

Addison Street, southerly side, beginning at its intersection with the easterly side of Leighton

Addison Street, southerly side, beginning at its intersection with the westerly side of Leighton Court for a distance of ten (10) feet in a westerly direction.

Allen Street, westerly side, from Prospect Street to Burnham's Field.

Allen Street, easterly side from Burnham's Field for a distance of 36 feet in a southerly direction.

Allen Street, westerly side in the turn-around area abutting Burnham's Field.

Allen Street, northerly side where it abuts Burnham's

Amero Court, beginning at a point from its intersection with Bass Avenue in a southerly direction for a distance of 160 feet on the easterly side and 170 feet on the westerly side.

Angle Street, both sides, from Western Avenue to Middle Street.

Arlington Street, southwesterly side, for its entire length.

Ashland Place, both sides, from its intersection with Washington Street for a distance of 120 feet in a westerly direction.

Atlantic Street

Bass Avenue, both sides, from Amero Court to East Main Street.

Bass Avenue, northerly side from Amero Court to Hartz Street.

Bass Avenue, southerly side, from Amero Court to Sayward Street.

Beacon Street, southerly side, from Washington Street to the pole on which fire alarm box 58 is located, opposite Lookout Street.

Bent Street, easterly side, for its entire length.

Blynman Avenue, 100 feet northerly from its intersection with Lincoln Avenue on Mondays through Fridays from 7:30 a.m. to 2:30 p.m. during the school year.

Bond Street, both sides, from a point 220 feet from its intersection with Western Avenue in a westerly direction for a distance of 150 feet.

Bridgewater Street, southerly side, from the intersection of Leonard Street, east, to the bridge.

Brightside Avenue, both sides, from its intersection with Beach Road to its intersection with Decatur Street.

Brightside Avenue, westerly or even numbered side, for distance of 140 feet from its intersection with Bass Avenue in a northerly direction. (Ord. 02-59, 05/28/2002)

Brightside Avenue, westerly or even numbered side, from a distance of 486 feet from its intersection with Bass Avenue in a northerly direction for a distance of 238 feet. (Ord. 02-59, 05/28/2002)

Brightside Avenue, westerly or even numbered side, from its intersection with Hinckley Road for a distance of 395 feet in a northerly direction. (Ord. 02-59, 05/28/2002)

Brightside Avenue, easterly or odd numbered side, from its intersection with Bass Avenue, in a northerly direction, for its entire length. (Ord. 02-61, 05/28/2002)

Cedar Street, northerly side, from its intersection with Sargent Street in a westerly direction to the Boston and Main Railroad tracks.

Centennial Avenue, both sides, from Curtis Square to Harold Avenue.

Centennial Avenue, easterly side, from Western Avenue for 50 feet to number 3 Centennial Avenue.

Centennial Avenue, easterly side, from Blynman Avenue to Beacon Street.

Centennial Avenue, easterly side, from Western Avenue to Perkins Road.

Centennial Avenue, easterly side, from Harold Avenue to a point opposite number 94 1/2 Centennial Avenue.

Centennial Avenue, easterly side, 20 feet from each end of the intersection between Commonwealth Avenue and Beacon Street.

Centennial Avenue, westerly side, from Washington Street to Curtis Square.

Centennial Avenue, westerly side, from its intersection with Western Avenue for a distance of 100 feet in a northerly direction.

Center Street, both sides, for its entire length.

Chapel Street, southerly side, from its intersection with East Main Street in an easterly direction for a distance of 75 feet.

Chapel Street, northerly side, from its intersection with East Main Street in an easterly direction for a distance of 60 feet.

Chestnut Street, easterly side, from Main Street to Prospect Street.

Church Street, easterly side, from Proctor Street to Prospect Street.

Church Street, westerly side, beginning at a point with its intersection with Prospect Street in a southerly direction for 143 feet.

Church Street, westerly side, beginning at a point 240 feet from its intersection with Prospect Street for a distance of 32 feet in a southerly direction.

Clarendon Street, southerly side, from Horton Street to Valatie Street.

(Clarendon Street, for its entire length, on the even numbered side. (Ord. 02-55, 11/12/2002)(Ord. #03-18 Delete 4/29/2003)

Clarendon Street, odd side of street, from Horton Street down to Terrace Lane. (Ord. #03-18, 4/29/2003)

Clarendon Street, even side of street, from Terrace Lane to Horton Street. (Ord. #03-19, 4/29/2003)

Colburn Street, southerly side, from its intersection with North Kilby Street, for a distance of 50 feet in a westerly direction.

Colburn Street, from its intersection with Washington Street in a southeasterly direction for a distance of 350 feet.

Commercial Street, westerly side, from the northerly corner of the Seafoods Building to Fort Square.

Commercial Street, westerly side, from the southerly side line of Beach Court to the northerly property line of the General Seafoods Corporation, numbered 47 Commercial Street.

Commercial Street, easterly side, from Washington Street to Fort Square.

Commercial Street, northeasterly side, from a point at the southeasterly corner of the entrance to the Progressive Oil Company to a point 100 feet southeasterly therefrom.

Commonwealth Avenue, southerly side, from Alpine Court to Lookout Street.

Concord Street, both sides at its intersection with Harlow Street for a distance of 100 feet in a southerly direction.

Cross Street, southerly side, for its entire length.

Dale Avenue, easterly side, between Middle Street and the post office property.

Duncan Street, easterly side, from Rogers Street to Main Street.

Duncan Street, southerly side, from a point 165 feet west of Railway Avenue to a point 187 feet west of Railway Avenue.

Duncan Street, southerly side from a point of 165 feet from Railway Avenue to a point 187 feet west of Railway Avenue. (Ord. 04-19 DELETE 8/24/04)

Duncan Street, westerly side beginning at its intersection with Main Street for a distance of 55 feet in a southerly direction. (Ord. 04-19 8/24/04)

(East Main Street, both sides, Stanley Court southerly to Parker Street. Ord. #02-34 Deleted 9/24/2002)

(East Main Street, both sides, from its intersection with Parker Street in the vicinity of Cape Ann Laundry to its intersection with Parker Street in the vicinity of the property known as Reed's Garage. Ord. #02-34 Deleted 9/24/2002)

East Main Street, westerly side, from its intersection with the northern end of Parker Street in a southerly direction to its intersection with Wall Street. (Ord. 02-34, 9/24/2002)

East Main Street, easterly side, from its intersection with Bass Avenue in a southerly direction to its intersection with Sayward Street. (Ord. 02-34, 9/24/2002)

East Main Street, both sides, from Bass Avenue to the entrance to the Quincy Market Cold Storage building off East Main Street.

East Main Street, both sides, from the private way entering the Slade Gorton plant of the Gorton Pew Fisheries, southerly to Hammond Street.

East Main Street, northerly side, from Cross Street to Eastern Avenue.

East Main Street,

East Main Street, northerly side, from the driveway at number 149, in a westerly direction to the electric and telephone companies' pole number 42.

East Main Street, southerly side, beginning at a point from the intersection opposite Montgomery Place for a distance of 460 feet in a westerly direction.

East Main Street, southerly side, from its intersection with Chapel Street to a point 345 feet easterly thereof.

East Main Street, southerly side, from Plum Street to Gerring Road.

East Main Street, easterly side, from Blue Roof Restaurant to Hammond Street.

East Main Street, easterly side, beginning from the building numbered 152 East Main Street and extending to Chapel Street.

East Main Street, easterly side, beginning at a point 20 feet from its intersection with Mt. Pleasant Avenue in a northerly direction for a distance of 80 feet.

East Main Street, westerly side, from a point opposite number 99 East Main Street to a point opposite number 109 East Main Street.

East Main Street, westerly side, from 185 East Main Street, southerly and westerly, to the edge of the driveway of the dwelling numbered 189 East Main Street.

East Main Street, westerly side, from the southerly edge of the driveway leading to the Rocky Bay Fisheries Company wharf in the rear of 159 East Main Street, southerly to the driveway leading to Arnolds' Wharf, located just beyond 167 East Main Street.

East Main Street, westerly side for a distance of twenty (20) feet from each edge of the paved portion of Pirates Lane.

East Main Street, on water side, from the beginning of city property at the corner of the pumping station for a distance of approximately eighty-six (86) feet in the direction of Rocky Neck to the loading door in front of number 233 East Main Street.

Eastern Avenue, northerly side, from its intersection with Webster Street for a distance of 65 feet in an easterly direction.

Eastern Avenue, southerly side, from Elizabeth Road to the premises numbered 107 Eastern Avenue.

Eastern Avenue, southerly side, from Hartz Street, westerly for a distance of forty (40) feet.

Eastern Point Road, northerly side, beginning at a point from its intersection with Rocky Neck Avenue, for a distance of 60 feet in a westerly direction.

Eastern Point Road, easterly side, from its intersection with Rocky Neck Avenue to a point opposite the northerly end of Niles Beach.

Eastern Point Road, westerly side, from the beginning of the white fence at Flat Wonson Cove (near pole #2651) to the end of the white fence (near pole #2648) approximately two hundred twenty (220) feet in a southerly direction.

Elm Street, easterly side, beginning at a point on the curbing 11 feet south of the boundary line of the properties numbered 17 and 19 Elm Street to a point on the curbing 78 feet north from such first mentioned point.

Elm Street, westerly side, from Federal Street to Prospect Street.

Emerson Avenue, northerly sides, from the easterly entrance to the City Home to the westerly end of Emerson Avenue.

Exchange Street, southerly side, for its entire length.

Federal Street, both sides, Pleasant Street to Elm Street.

Ferry Street, northerly side, from its intersection with Washington Street in a westerly direction for a distance of 475 feet.

Ferry Street, southerly side beginning at a point 165 feet from its intersection with Washington Street, for a distance of 270 feet in a southerly direction.

Fort Square, beginning at its intersection with Commercial Street, on the westerly side, for a distance of 476 feet to the Southeast corner of the Fort Square Playground.

Fort Square, southerly side, from the southern boundary of number 29, south and easterly to the catch basin at the easterly side westerly entrance of Cape Ann Fisheries.

Fort Square, from a point 60 feet from the catch basin at the northeast corner of the Cape Ann Fisheries property, easterly to a point 10 feet westerly of the southwest corner of number 51 on the southerly side.

Fort Square, from a point 22 feet from the southern boundary of number 51, on the easterly side, to Commercial Street.

Fort Square, eastern side, from the entrance at Commercial Street to the eastern boundary of number 10 Commercial Street.

Fort Square, from the western boundary of number 46 to the eastern boundary of number 46 to a point 22 feet southerly from the northern boundary of number 46, being the southerly side and westerly side.

Fort Square, from a point 40 feet from the southwestern boundary of number 10, southwesterly and southeasterly and easterly to the Merrimack-Essex pole number 1917, and/or westerly boundary of number 26.

Foster Street, southerly side, for its entire length.

Fremont Street, northerly side, for a distance of 40 feet from its intersection with Rocky Neck Avenue.

Fremont Street, northerly side, 40 feet in an easterly direction from its intersection with Rackliffe Street.

Fremont Street, northerly side, 60 feet in an easterly direction from its intersection with Wiley Street.

Fremont Street, 20 feet, both sides, from its intersection with Wiley Street in a westerly direction.

Fremont Street, southerly side, for its entire length.

Friend Street, northerly side, at its intersection with Silva Court for a distance of 18 feet in an easterly direction and for a distance of 18 feet in a westerly direction.

Friend Street, southerly side, from Brent Street to Webster Street.

Friend Street, northerly side, from Prospect Street to Bent Street.

Fuller Street, easterly side, from a point 133 feet from its intersection with Flume Road, in a northerly direction.

Fuller Street, westerly side, from Magnolia Street to Magnolia Fire Station.

Gee Avenue, both sides, from its intersection with Stanwood Street to its intersection with Washington Street.

Gloucester Avenue, northerly side, from Washington Street, westerly for a distance of 92 feet.

Gloucester Avenue, easterly side at its intersection with Washington Street to Madison Court.

Gloucester High School, fire lanes in the parking lot, outside the entrance to the gymnasium, the Blynman Avenue side of the gymnasium, the parking lot adjacent to Newell Stadium.

Gould Court, southerly side, for its entire length.

Granite Street, southerly side, from Washington Street to Blynman Avenue.

Granite Street, southerly side, 50 feet easterly from Hampden Street.

Grapevine Road, even numbered side, from its intersection with Eastern Point Road for a distance of 58 feet. (Ord. 03-15, 4/15/2003)

Green Street, southwesterly side beginning at its intersection with Perkins Street in a northwesterly direction for a distance of thirty (30) feet.

Green Street, northeasterly side, beginning at its intersection with Perkins Street in a northwesterly direction for a distance of forty-five (45) feet.

Green Street, southwesterly side, beginning at a point one hundred sixty-three (163) feet from its intersection with Perkins in a northwesterly direction thence in a northwesterly direction for a distance of ninety (90) feet.

Green Street, northeasterly side, beginning at a point one hundred sixty-three (163) feet from its intersection with Perkins Street, in a northwesterly direction thence in a northeasterly direction for a distance of fifty (50) feet.

Hammond Street, southerly side from its intersection with Haskell Street to its intersection with East Main Street.

Hancock Street, both sides, from Middle Street to Rogers Street.

Harold Avenue, no parking on the southerly side.

Harrison Avenue, from its intersection with Eastern Avenue, westerly side, for a distance of 38 feet and easterly side for a distance of 40 feet in a northerly direction.

Hartz Street, easterly side, beginning at a point from its intersection with Eastern Avenue, for a distance of 130 feet in a southerly direction.

Hartz Street, easterly side, from its intersection with Bass Avenue for a distance of 300 feet in a northerly direction.

Haskell Street, northerly side, for its entire length.

Hesperus Avenue, westerly side, from the westerly intersection of Castle Hill Road in a southerly direction for a distance of 1100 feet.

Hesperus Avenue, at Rafe's Chasm: (Ord. 02-44, 9/24/2002)

(1) Southerly side, beginning at a point 515 feet from its intersection with Ocean Highlands, in a westerly direction, for a distance of 400 feet to its intersection with Strawberry Cove.

(2) Northerly side, from a point opposite its intersection with Ocean Highlands, for a distance of 900 feet in a westerly direction, opposite Strawberry Cove.

(3) Southerly side, from its intersection with Ocean Highlands, in a westerly direction, for a distance of 420 feet.

(4) Tow-away zone from 9:00 p.m. to 9:00 a.m. each day; southerly side, beginning at a point 420 feet from its intersection with Ocean Highlands, in a westerly direction for a distance of 95 feet. (Ord. 02-43 9/24/2002)

High Street, both sides, from a point 470 feet southerly of Vulcan Street to a point 1820 feet southerly from the first point.

High Popples Road, both sides, from its intersection at Atlantic Road in a westerly direction for a distance of 225 feet. (Ord. 03-05, 01/21/2003)

Highland Street, in front of #5 Highland Street.

Highland Street, westerly side, from number 3 Highland Street to Highland Court.

Horton Street, westerly side, from Rocky Neck Avenue to Clarendon Street.

Hough Avenue, entire length, both sides.

Langsford Street, northerly side, from Andrews Street to number 10 Langsford Street.

Leonard Street, northerly side, from its intersection with Rogers Lane in an easterly direction for forty (40) feet.

Leonard Street, westerly side, from its intersection of Bridgewater Street, north, to the intersection of Nashua Avenue, opposite the Village Church on Washington Street.

Liberty Street, southerly side, from Pleasant Street to Allen Street.

Madison Avenue, southerly side, from its intersection with Washington Street for a distance of 50 feet in an easterly direction.

Magnolia Avenue, southerly side, from its intersection with Western Avenue to its intersection with Long Hill Road.

Mansfield Street, right side, beginning at a point 20 feet from its intersection with Western Avenue, for a distance of 80 feet.

Main Street, northerly side, between the building numbered 252 Main Street and the building numbered 256 Main Street, and in front of what apparently is 254 Main Street.

Main Street. Northerly side, from a point 116 feet from its intersection with Pleasant Street for a distance of 20 feet in a westerly direction.

Main Street, northerly side, beginning at the entrance to Scott Street and running westerly to the building numbered 358 Main Street.

Main Street, northerly side, from the westerly boundary of number 370 Main Street and extending to a point 233 feet easterly from such westerly boundary of such number of Main Street.

Main Street, northerly side, in an easterly direction from Chestnut Street for a distance of three (3) car lengths.

Main Street, southerly side, in front of the premises numbered 245 Main Street and extending from the easterly corner of Pearce Street at its intersection with Main Street and proceeding in a northeasterly direction to the property line of the property owned by Grosberg and others, as shown by a sketch made by the city engineer and dated August, 1954.

Main Street, southerly side, in front of the premises numbered 417-421.

Main Street, southerly side, beginning at the east side of the present entrance to 437 Main Street and extending easterly to the westerly driveway forming the entrance to 441 Main Street.

Main Street, southerly side, from its intersection with Duncan Street in an easterly direction for a distance of 87 feet.

Main Street, southerly side, in an easterly direction from Pearce Street to the entrance of the municipal parking lot.

Main Street, southerly side, beginning at a point 295 feet east of its intersection with Rowe Square for a distance of 77 feet in an easterly direction.

Main Street, southerly side, from its intersection with Rowe Square for a distance of 330 feet in an easterly direction.

Main Street, easterly side, from Rowe Square to 373 Main Street.

Main Street, beginning at a point 11.5 feet westerly from the easterly corner of number 275 Main Street, thence running westerly 41.0 feet, being parking meter spaces numbered 149 and 150.

Main Street, easterly side, from its intersection with Duncan Street for a distance of 180 feet in an easterly direction.

Main Street, easterly side, from a point 545 feet from its intersection with Rowe Square in an easterly direction for a distance of 530 feet.

Mansfield Street, northerly side, from its intersection from Washington Street to a point 100 feet westerly thereof.

Maplewood Avenue, westerly side, from Poplar Street to number 8 Maplewood Avenue.

Maplewood Avenue, easterly side, 75 feet from its intersection with Prospect Street in a northerly direction for a distance of approximately 100 feet in a northerly direction. (Ord. 01-01 01/16/2001)

Marchant Street, westerly side, from Prospect Street to Spring Street.

Marsh Street, beginning at a point from the easterly end of Cherry Hill Cemetery, Northerly side, to Route 128 Overpass.

Mason Street, easterly side, between numbers 3 and 17 Mason Street, inclusive.

Mason Street, easterly side, at a point 273 feet from the intersection of Prospect Street in a southerly direction.

Middle Street, both sides, from Center Street to Hancock Street, provided, however, that the loading zone in front of 67 Middle Street is to remain.

Middle Street, northerly side, from Pleasant Street to Washington Street.

Middle Street, northerly side, from Washington Street in a westerly direction to the westerly property line of the house numbered 28 Middle Street.

Middle Street, northerly side, from the easterly side line of Riggs Street to the westerly property line of the property numbered 20 Middle Street.

Middle Street, southerly side, within 15 feet of the intersection of Pleasant Street, Hancock Street and Center Street.

Middle Street, easterly side, beginning at a point 120 feet north of its intersection with Angle Street, then 35 feet in a northerly direction.

Middle Street, southerly side, beginning at a point 150 feet from its intersection with Hancock Street, for a distance of 30 feet in an easterly direction.

Middle Street (Legion Plaza) beginning at a point on Middle Street at the intersection with the easterly side of the way that goes in back of the Legion Building for a distance of fifty-six (56) feet as the curve goes, then easterly for a distance of ten (10) feet.

Middle Street (Legion Plaza) beginning at its intersection with Washington Street in a westerly direction for a distance of ten (10) feet.

Millett Street, easterly side, from its intersection with Sargent Street to its intersection with Warner Street.

Mt. Pleasant Avenue, easterly side, starting from a point 20 feet from its intersection with Page Street to a point 20 feet from its intersection with Moorland Road.

Mt. Pleasant Avenue, southerly side, beginning at a point 131 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 65 feet from its intersection with Marble Street, for a distance of 158 feet in a westerly direction.

Mt. Vernon Street, northerly side, from Prospect Street to Perkins Street.

Mt. Vernon Street, northerly side, from Perkins Street to Elwell Street, allowing parking on southerly side from Perkins Street to Elwell Street.

Mt. Vernon Street, southerly side, from Perkins Street to Elwell Street.

Mt. Vernon Street, easterly side, from a point 220 feet from its intersection with Prospect Street, for a distance of 180 feet in a northerly direction.

Naomi Drive.

Old Salem Road, easterly side, from its intersection with Western Avenue for a distance of 100 feet in a westerly direction.

Orchard Street, both sides, from its intersection with Washington Street for a distance of 40 feet in a westerly direction.

Parker Court, southerly side for its entire length.

Parker Street, easterly side, beginning at a point ninety-nine (99) feet from its intersection with Wall Street in a northerly thence northeasterly direction for a distance of sixty-seven (67) feet. (This being the area in front of the sewer pumping station.)

Parker Street, westerly side, beginning at a point twenty (20) feet from the entrance to the State Fish Pier, in a southerly direction for a distance of ninety-nine (99) feet.

Parker Street, westerly side, beginning at the entrance to the State Fish Pier, in a southerly direction for a distance of twenty (20) feet.

Parsons Street, both sides, from Main Street to Rogers Street.

Pearl Street, northerly side, for its entire length from its intersection with Washington Street to its intersection with Railroad Avenue.

Perkins Street, southerly side, beginning at a point 25 feet from its intersection with Staten Street and running from such point in an easterly direction to the end of Perkins Street.

Perkins Street, westerly side, from Mt. Vernon Street to Green Street.

Perkins Street, westerly side, from Green Street, northerly for a distance of 900 feet.

Perkins Street, 40 feet from storm drain (across from fire hydrant) in a southerly direction. (Ord. 01-33 9/18/01)

Perkins Street, northerly side beginning at point 25 feet from its intersection with Staten Street and running from such a point in an easterly direction to the end of Perkins Street (Ord 04-21 8/24/04) DELETE

Perkins Street, westerly side from Green Street northerly for a distance of 900 feet. (Ord 04-21 8/24/04) DELETE

Perkins Street, southerly side, beginning at a point 25 feet from its intersection with Staten Street and running from such point in an easterly direction to the end of Perkins Street. (Ord 04-21 8/24/04) DELETE

Perkins Street, northerly side beginning at its intersection with Staten Street for a distance of 120 feet in an easterly direction. (Ord. 04-21 8/24/04)

Perkins Street, westerly side beginning at its intersection with Staten Street in a northerly direction of its intersection with Perkins Peak. (Ord. 04-21 8/24/04)

Perkins Street, southerly side beginning at its intersection with Staten Street in an easterly direction to its intersection with Mount Vernon Street. (Ord. 04-21 8/24/04)

Pleasant Street, easterly side, within 20 feet southwesterly of the crosswalk located at or near the southeasterly intersection of Pleasant Street and Prospect Street adjacent to the property numbered 79 Prospect Street.

Pleasant Street, easterly side, between Main Street and Warren Street.

Pleasant Street, westerly side, between Main Street and a point approximately 87 feet north of Warren Street.

Pleasant Street, westerly side, between Franklin Square and Prospect Street.

Pleasant Street, westerly side, from Smith Street southerly for a distance of 200 feet.

Poplar Street, northerly side, from its intersection with Maplewood Avenue for a distance of 290 feet in a northeasterly direction.

Poplar Street, southerly side, at its intersection with Washington Street from a point 480 feet in an easterly direction.

Poplar Street, southerly side, from its intersection with Washington Street to its intersection with Maplewood Avenue, in its entirety.

Porter Street, easterly side, 50 feet from Rogers Street in a northerly direction.

Porter Street, westerly side, from Main Street to Rogers Street.

Prospect Square, the left side, for its entire length.

Prospect Square, southerly side (right side), beginning at a point two hundred sixty-six (266) feet from its intersection with Prospect Street for a distance of fifty-four (54) feet.

Prospect Square, southerly side (right side), beginning at a point three hundred seventy-eight (378) feet from its intersection with Prospect Street for a distance of sixty (60) feet in an easterly direction.

Prospect Square, westerly side (right side) beginning at a point 198 feet from its intersection with Prospect Street in a southerly direction for a distance of 20 feet. (Ord. 02-26, 6/25/2002)

Prospect Square, westerly side (right side) beginning at a point 228 feet from its intersection with Prospect Street in a southerly direction for a distance of 20 feet. (Ord. 02-26, 6/25/2002)

Prospect Street, both sides, between Pleasant Street and Mason Street.

Prospect Street, northerly side, from Mt. Vernon Street to Warner Street.

Prospect Street, southerly side, within 20 feet northeasterly of the crosswalk located at or near the southeasterly intersection of Prospect Street and Pleasant Street in front of the property numbered 79 Prospect Street.

Prospect Street, southerly side, from Washington Street in an easterly direction to the westerly property line of the shop numbered 55 Prospect Street.

Prospect Street, southerly side, from its intersection with Elm Street in a westerly direction for the entire distance on which number 81 Prospect Street abuts, presently owned by Ruth P. Wonson.

Prospect Street, southerly side, from the edge of the crosswalk extending northerly by the Spanish War Monument, in an easterly direction to the driveway leading to number 79 Prospect Street.

Prospect Street, southerly side, from its intersection with Elm Street to its intersection with Winchester Court.

Prospect Street, easterly side, from Fears Court southerly to Main Street.

Prospect Street, westerly side, from the intersection with Spring Street to Main Street.

Prospect Street, westerly side, beginning at its intersection with Spring Street, in a northerly direction for a distance of two hundred (200) feet.

(Prospect Street, across from the Curtis Clark Building, on northern side, from west side of parking lot curb to beginning of crosswalk (thirty-two (32) feet). Ord. 01-06 deleted 01/16/2001)

Prospect Street, northerly side, beginning 80 feet from its intersection with Allen Street in a westerly direction for a distance of 32 feet. (Ord. 01-06 01/16/2001)

Quarry Street (Bay View), both sides, beginning at a point from the private gate for a distance of 200 feet from the gate in a westerly directly.

Railroad Avenue, northerly side, for such a distance as such avenue abuts the open space or park situated across the street from 28 Railroad Avenue.

Railroad Avenue, northerly side, for the entire length of the Cape Ann Market property.

Railroad Avenue, southerly side, from its intersection with School Street in an easterly direction for a distance of 84 feet.

Railroad Avenue, southerly side, from its intersection with Washington Street easterly to 28 Railroad Avenue.

Railroad Avenue, southerly side, from a point 20 feet from its intersection with Washington Street in an easterly direction for a distance of 38 feet.

Railroad Avenue, southerly side, from its intersection with Washington Street to the first alley located between number 119 Washington Street and 34 Railroad Avenue.

Railroad Avenue, southwesterly side, from the northwesterly line of 10 Railroad Avenue to the northwesterly property line of 6B Railroad Avenue.

Riverdale Park, both sides, for its entire length.

Riverside Avenue, westerly end, southerly side from a point where the curb begins for forty-five (45) feet in an easterly direction.

Rocky Neck Avenue, between signs in the area of Bickford Way.

Rocky Neck Avenue, westerly side, from Wonson Street to Stevens Lane.

Rocky Neck Avenue, within twenty (20) feet of the intersection.

Rocky Neck Avenue, southerly side in an easterly direction from its intersection with Bickford's Way to its intersection with East Main Street. (Ord. 01-14 5/8/01)

Rocky Pasture Road, westerly side, from its intersection with Mount Pleasant Avenue for a distance of three hundred fifty (350) feet, except during funeral services.

Rogers Street, both sides, from Parsons Street to Hancock Street, with the exception of the southerly side of Rogers Street from a point opposite the intersection of Hancock Street to the westerly side of the entrance to the cold storage building.

Rogers Street, northerly side, from Duncan Street to the driveway in the rear of the police station.

Rogers Street, northwesterly side, from Porter Street to Mansfield Way with the exception of the loading zone at the rear of Sears and Roebuck Company building on the northwesterly corner of Rogers Street and Porter Street.

Rogers Street, twenty (20) feet on either side of the entrance to the Massachusetts Electric Company property.

St. Peter's Park, the lane located at the easterly side of the Seafarer's International Building.

Salt Island Road (beginning after #5), from Witham Street to Barberry Way both sides, for a distance of approximately six hundred (600) feet or for the entire public portion of the roadway. (#1 through #5 Salt Island Road are excluded.)

Sargent Street, easterly side, from Millett Street to a point opposite the southerly side line of Cleveland Street.

Sargent Street, easterly side, from its intersection with Shepherd Street to its intersection with Millett Street.

Sayward Street, westerly side, for its entire length.

School Street, from its intersection with Prospect Street for a distance of approximately 110 feet in a southerly direction on both sides to a point opposite the property line between Number 30 and Number 32 School Street.

School Street, easterly side, between Middle Street and Prospect Street.

Shepherd Street, northerly side, from Pleasant Street to Sargent Street.

Shepherd and Pleasant Streets Intersection, 30 feet from the Apex of the curve, both sides.

Short Street, both sides, from Main Street to Middle Street.

Smith Street, northerly side, from Avenue to Pleasant Street.

Spring Street, northerly side, from Prospect Street to Marchant Street.

Spring Street, southerly side, from its intersection with Prospect Street in a westerly direction for a distance of 40 feet. (Ord. 04-17 08/24/04)

Stanley Court, both sides, for its entire length. *Staten Street*, both sides, for its entire length.

Stevens Lane, both sides, for its entire length.

Sumac Lane, within twenty (20) feet of the intersection.

Taylor Street, from a point 220 feet from its intersection with Prospect Street for a distance of 22 feet in a northerly direction.

Taylor Street, northerly side, from Staten Street to the westerly boundary of the property numbered 38 Taylor Street.

Taylor Street, northerly side, from Staten Street in an easterly direction for a distance of 165 feet.

Thatcher Road, both sides, Witham Street to Long Beach Road.

Thatcher Road, both sides, from its intersection with Witham Street to its intersection with Bass Avenue with the following exception: At a point 165 feet south of its intersection with Marina Drive in a northerly direction for a distance of 800 feet.

Tolman Avenue, both sides, from Western Avenue, easterly for a distance of 144 feet.

Town Landing at Palm Cove, in the Bay View section of the city.

Warner Street, easterly side, from its intersection with Prospect Street to a point 78 feet northerly thereof.

Warner Street, westerly side, from its intersection with Prospect Street to its intersection with Burnham Street.

Warren Street, southerly side, for its entire length.

Washington Square, from a point 75 feet from its intersection with Granite Street, westerly side, for a distance of 45 feet in a southerly direction.

Washington Square, southerly side, from its intersection with Washington Street for a distance of 175 feet from 8:00 a.m. to 5:00 p.m. daily.

Washington Square, southerly side, from a point 425 feet from its intersection with Washington Street in a westerly direction for a distance of 20 feet.

Washington Square, easterly side for a distance of ninety (90) feet from the point where Washington Square turns ninety (90) degrees in a northerly direction.

Washington Square, southerly side, beginning at a point in line with the westerly corner of #18 (as defined on Assessor's Map 6 Lot 46) to its intersection with Washington Street.

Washington Street, both sides, from Derby Street to the Boston and Maine Railroad Crossing.

Washington Street, northerly side, from its intersection with Grove Street for a distance of 65 feet in an easterly direction.

Washington Street, northerly side, from a point 65 feet from its intersection with Grove Street for a distance of 100 feet in a westerly direction.

Washington Street, southerly side, from a point 45 feet from its intersection with Whittemore Street for a distance of 100 feet in an easterly direction.

Washington Street, westerly side, beginning at a point 200 feet from its intersection with Wheeler Street in a southerly direction for a distance of 150 feet.

Washington Street, westerly side, beginning at a point twenty (20) feet from its intersection with Exchange Street in a southerly direction for one hundred fifty-seven (157) feet with two (2) signs installed, one at one hundred fifty-seven (157) foot mark and other at one hundred twenty-two (122) foot mark from the same intersection.

Washington Street, easterly side, beginning at its intersection with Hillside Court in a northerly direction to a point thirty (30) feet north of its intersection with Linwood Place.

Washington Street, easterly side, beginning at a point four hundred thirty (430) feet north of its intersection with Linwood Place in a northerly direction to its intersection with Young Avenue.

Washington Street, westerly side, beginning at a point opposite its intersection with Young Avenue for a distance of six hundred fifty-two (652) feet in a southerly direction.

Washington Street, westerly side, beginning at the southerly end of Plum Cove Beach to its intersection with Plum Court.

Washington Street, westerly side, beginning at a point 470 feet from its intersection with Wheeler Street in a southerly direction for a distance of 120 feet.

Washington Street, easterly side, from a point 105 feet south of Gould Court to a point 180 feet south of Gould Court.

Washington Street, easterly side, from a point opposite Harvey Place in a northerly direction for a distance of 3,300 feet.

Washington Street, easterly side, from Poplar Street to Ferry Street.

Washington Street, easterly side, from Knowlton Square to the Chester H. Grant Memorial Circle.

Washington Street, easterly side, from a point opposite the northerly boundary of Minnesota Street to Dennison Street, and westerly side, from a point opposite the southerly side of Dennison Street for a distance of 600 feet southerly.

Washington Street, easterly side, from its intersection with Middle Street for a distance of 40 feet in a southerly direction.

Washington Street, easterly side, from its intersection with Pine Street for a distance of 170 feet in a southerly direction with the exception of a 15-minute parking meter at 75 Washington Street.

Washington Street, easterly side, from its intersection with Pine Street to its intersection with Prospect Street.

Washington Street, easterly side, from its intersection with Addison Street for a distance of 110 feet in a southerly direction.

Washington Street, easterly side, from a point 120 feet north of its intersection with Madison Avenue for a distance of 260 feet in a northerly direction.

Washington Street, easterly side, from its intersection with "A" of Riverdale Park for a distance of 460 feet in a northerly direction.

Washington Street, easterly side, from its intersection with Railroad Avenue for a distance of 110 feet in a northerly direction.

Washington Street, easterly side, from a point 130 feet north of its intersection with Seeall Street for a distance of 100 feet in a northerly direction.

Washington Street, easterly side starting at the intersection of Albion Court for a distance of 20 feet in a southerly direction.

Washington Street, westerly side, from its intersections with Duley Street for a distance of 70 feet in a southerly direction.

Washington Street, westerly side, from a point 180 feet north of the center line intersection with Seeall Street for a distance of 150 feet in a northerly direction.

Washington Street, westerly side, from a point 670 feet south of the center line intersecting with Gee Avenue for a distance of 75 feet in a southerly direction.

Washington Street, westerly side, from a point opposite the center line of Gee Avenue for a distance of 160 feet in a northerly direction.

Washington Street, westerly side, from a point 595 feet from its intersection with Hodgkins Street for a distance of 180 feet in a northerly direction.

Washington Street, westerly side, beginning from a point 755 feet from its intersection with Hodgkins Street for a distance of 165 feet in a northerly direction.

Washington Street, westerly side, beginning at the bus stop which is nearly opposite the Joan of Arc monument and extending in a southerly direction to Middle Street.

Washington Street, westerly side, between Middle Street and Mansfield Street.

Washington Street, westerly side, from its intersection with Exchange Street for a distance of 80 feet in a southerly direction.

Washington Street, westerly side, from its intersection with Mansfield Street for a distance of 430 feet in a southerly direction.

Washington Street, westerly side, from its intersection with Orchard Street for a distance of 165 feet in a southerly direction.

Webster Street, easterly side, from a point opposite the entrance to the Ward II Veterans Memorial School to a point opposite the intersection of Webster Street and Friend Street.

Webster Street, easterly side at its intersection with Eastern Avenue in a northerly direction for a distance of 600 feet.

Western Avenue, on the water side, beginning at the crosswalk of the public landing for a distance of 61 feet in an easterly direction. (Ord. 04-07 5/25/2004)

Western Avenue, southerly side, from a point beginning at Blynman Bridge, for a distance of 165 feet in an easterly direction.

Western Avenue, westerly and northwesterly side, from its intersection with Angle Street at the Gilbert Home to the easterly boundary of the property numbered 21 Western Avenue.

Western Avenue, on the left-hand side of the eastbound lane, commencing at the end of the grass plot, or center lane, nearest Blynman Bridge and extending in an easterly direction a distance of 24 feet to a point opposite the residence numbered 93 Western Avenue.

Western Avenue, at the nubbin in front of the Fisherman's Memorial.

Western Avenue, on the water side, beginning at the crosswalk of the public landing for a distance of 61 feet in an easterly direction. (Ord 05-05 DELETED 2/1/05)

Western Avenue, southerly side (water side) beginning 33 feet from the crosswalk at the public landing in an easterly direction and continuing for a distance of 114 feet in an easterly direction. (Ord 05-05 2/1/05)

Wheeler Street, easterly side, from its intersection with Washington Street for a distance of 700 feet in a northerly direction.

Wheeler Street, westerly side, for a distance of 139 feet from its intersection with Riverside Road, and on the easterly side for a distance of 239 feet.

Wheeler Street, westerly side, beginning at a point 280 feet from its intersection with Riverview Road for a distance of 225 feet in a southerly direction.

Wheeler Street, westerly side, beginning at a point at its intersection with Washington Street in a northerly direction for a distance of 700 feet.

Wheeler Street, westerly side, beginning at a point 54 feet south of the southerly intersection of Riverview for a distance of 210 feet in a southerly direction.

Williams Court, the northerly side for 73 feet in an easterly direction to its intersection with Hartz Street.

Williams Court, southerly side, beginning at the east corner of Marion Way and in an easterly direction for 73 feet to its intersection with Hartz Street.

Willow Street, on the easterly side, from Shepherd Street to the railroad tracks.

Witham Street, easterly side, from its intersection with Starknought Heights to its intersection with Salt Island Road in a southerly direction.

Whittemore Street, southerly side, at its intersection with Washington Street from a point 30 feet in a westerly direction.

Winchester Court, both sides, for its entire length.

Wonson Street, westerly side, from its intersection with Stevens Lane in a southerly direction to its intersection with Rocky Neck Avenue.

Woodbury Street, both sides, beginning at its intersection with Washington Street and Mason Square for a distance of sixty (60) feet in a southerly direction.

(Code 1970, § 21-125; Ord. of 3-6-75, § 1; Ord. of 7-10-75, § 1; Ord. of 12-18-75, § 1; Ord. of 4-22-76, § 1; Ord. of 6-17-76, § 1; Ord. of 10-14-76, § 1; Ord. of 5-24-77, § 1; Ord. of 3-14-78, § 1; Ord. of 6-20-78, § 1; Ord. of 1-4-79, § I; Ord. of 3-20-79, § I; Ord. of 7-10-79, § I; Ord. of 11-13-78, § I; Ord. of 1-22-80, § I; Ord. of 5-20-80, § I; Ord. of 7-1-80, § I; Ord. of 8-19-80, § 1; Ord. of 10-28-80, § I; Ord. of 5-26-81, § I; Ord. of 7-7-81, § I; Ord. of 7-21-81, § I; Ord. of 10-26-82, § I; Ord. of 2-15-83, § I; Ord. of 2-22-83, § I; Ord. of 6-7-83, § I; Ord. of 8-9-83, § I; Ord. of 2-14-84, § I; Ord. of 9-11-84, § I; Ord. of 2-10-87, § I; Ord. of 5-19-87, § I; Ord. of 9-1-87, § I; Ord. of 12-22-87, §§ I, II; Ord. of 12-22-87, § III; Ord. of 1-19-88, § I; Ord. of 8-9-88, § II; Ord. of 9-6-88, § I; Ord. of 5-9-89, § I; Ord. of 11-14-89, § I; Ord. No. 1-1990, § I, 1-9-90; Ord. No. 5-1990, § I, 1-9-90; Ord. No. 17-1990, § I, 8-7-90; Ord. No. 18-1990, § I, 9-4-90; Ord. No. 19-1990, § I, 9-11-90; Ord. No. 22-1990, § I, 10-2-90; Ord. No. 25-1990, § I, 11-20-90; Ord. No. 1-1991, § I, 1-8-91; Ord. No. 11-1991, § I, 4-9-91; Ord. No. 14-1991, § I, 4-16-91; Ord. No. 18-1991, § I, 6-4-91; Ord. No. 20-1991, § I, 6-4-91; Ord. No. 25-1991, § I, 7-9-91; Ord. No. 25-1991, § I, 7-9-91; Ord. No. 40-1991, § I, 11-12-91; Ord. No. 1-1992, § I, 2-11-92; Ord. No. 20-1992, § I, 8-4-92; Ord. No. 21-1992, § I, 8-4-92; Ord. No. 24-1992, § I, 8-4-92; Ord. No. 31-1992, § I, 11-10-92; Ord. No. 4-1993, § II, 3-16-93; Ord. No. 39-1995, § I, 9-26-95; Ord. No. 1-1996, § I, 2-20-96; Ord. No. 36-1996, § I, 9-3-96; Ord. No. 43-1996, § I, 10-15-96; Ord. No. 48-1996, § I, 10-15-96; Ord. No. 4-1997, § I, 1-14-97; Ord. No. 35-1997, § I, 4-29-97; Ord. No. 37-1997, § I, 4-29-97; Ord. No. 65-1997, § I, 10-14-1997; Ord. No. 68-1997, § I, 10-28-97; Ord. No. 71-1997, § I, 10-28-97; Ord. No. 100-1998, § I, 7-28-98; Ord. No. 108-1998, § I, 8-3-98; Ord. No. 110-1998, § I, 8-3-98; Ord. No. 119-1998, § I,

9-1-98; Ord. No. 132-1998, § I, 11-10-98; Ord. No. 135-1999, § I, 1-19-99; Ord. No. 137-1999, § I, 1-19-99; Ord. No. 139-1999, § I, 1-19-99; Ord. No. 1-1999, § I, 4-13-99; Ord. No. 5-1999, § I, 6-22-99; Ord. No. 12-1999, § I, 7-20-99; Ord. No. 33-1999, § I, 10-26-99; Ord. No. 36-1999, § I, 10-26-99; Ord. No. 43-1999, § I, 11-9-99; Ord. No. 64-2000, § I, 6-20-00; Ord. No. 68-2000, § I, 6-27-00; Ord. No. 82-2000, § I, 8-1-00; Ord. No. 103-2000, § I, 11-28-00; Ord. No. 105-2000, § I, 11-28-00; Ord. No. 107-2000, § I, 11-28-00; Ord. No. 115-2000, § I, 12-12-00)

Sec. 22-270.1. Resident sticker parking only.

(Eastern Point Boulevard--Niles Beach Area, westerly side, (Niles Beach Area) from its boundary with Eastern Point Road in a southerly direction to its intersection with Farrington Avenue. 02-11 Delete 4/16/2002)

Eastern Point Boulevard--Niles Beach Area, westerly side, (Niles Beach Area) from its boundary with Eastern Point Road in a southerly direction to its intersection with Farrington Avenue from 6:00 a.m. to 6:00 p.m. (Ord. 02-11 4/16/2002)

Plum Cove Beach parking lot--Off Washington Street, adjacent to the ball field.

Washington Street, easterly side beginning at a point thirty (30) feet north of its intersection with Linwood Place for a distance of four hundred (400) feet.

Washington Street, westerly side, beginning at a point one thousand three hundred forty-two (1,342) feet opposite its intersection with Young Avenue for a distance of three hundred forty-eight (348) feet in a southerly direction.

Washington Street--Folly Cove Beach, between Poles #356 and #357--Eight (8) parking spaces.

Witham Street, westerly side, beginning at a point 103 feet from its intersection with Thatcher Road for a distance of 300 feet in a southerly direction.

(Ord. of 9-14-89, §§ I, II; Ord. of 9-26-89, §§ I, II; Ord. No. 24-1996, § I, 7-23-96; Ord. No. 30-1996, § I, 7-23-96; Ord. No. 111-1998, § I, 8-3-98)

Sec. 22-271. Parking prohibited from May 1 to September 15--Generally.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle at any time during the period from May 1 to September 15 of each year, when signs are in place giving notice thereof in accordance with section 22-157:

Atlantic Road, both sides, from its intersection with Bass Avenue to its intersection with Nautilus and Bass Rocks Roads.

Atlantic Street.

Bass Avenue, northerly side, from a point 300 feet distant from the easterly boundary of Brightside Avenue Extended, to the easterly boundary of Nautilus Road.

Bass Avenue, southerly side, from a point 450 feet distant from the easterly boundary of Brightside Avenue Extended, to the westerly boundary of Nautilus Road.

Bass Rocks Road, from its intersection with Nautilus Road to its intersection with Atlantic Road, both sides.

Beach Road, both sides, from its intersection with Brightside Avenue to its intersection with Nautilus Road.

Butman Avenue, northerly side, from Washington Street to Langsford Street.

Eastern Point Boulevard, easterly side, southerly from the Gate Lodge to Farrington Avenue.

Eastern Point Road, from Rocky Neck Avenue to Eastern Point Boulevard.

Harbor Road, at Bass Rocks, both sides, from Nautilus Road to Atlantic Road.

Locust Grove Cemetery.

Nautilus Road, both sides, for its entire length.

Main Street, both sides, between the hours of 2:00 a.m. and 4:00 a.m., except from its intersection with Spring Street to its intersection with Eastern Avenue.

Moorland Road, both sides beginning at a point 278 feet in a northwesterly direction from its intersection with Atlantic Road to its intersection with Souther Road.

River Road, easterly side, from Bridgewater Street to and including number 29 River Road.

River Road, northerly side, from a point opposite the store of Chard and Wilkerson, westerly to Leonard Street, except for the space in front of property numbered 32, 34 and 36 River Road.

Rocky Neck, easterly side, beginning at a point 137 feet from its intersection with Horton Street for a distance of 181 feet in a northerly direction.

(Rocky Neck Avenue, westerly side, northerly from its intersection with East Main Street for its entire length. Ord. 01-13 Deleted 5/8/2001)

Salt Island Road, both sides, from Witham Street to Barberry Way.

Seaside Cemetery.

Shore Road, at Magnolia, on the town landing, except for residents of Gloucester and Manchester.

Thatcher Road, easterly side, between numbers 15 and 33.

Washington Street, southerly side, from Leverett Street easterly to junction of Langsford Street.

Washington Street, both sides, from Mason Square to the Rockport line at Folly Cove.

Washington Street, both sides, from Langsford Street to the Rockport Line.

Western Avenue, northerly side of the northerly lane, from Middle Street to Centennial Avenue.

Witham Street, northerly side, from Thatcher Road to Salt Island Road.

Witham Street, westerly side, from the entrance to Good Harbor Beach to a point 75 feet in a northerly direction on Witham Street.

Witham Street, westerly side, beginning at a point one hundred three (103) feet from its intersection with Thatcher Road for a distance of three hundred (300) feet from 8:30 p.m. to 6:00 a.m. from May 1 to September 15 of each year.

Witham Street and Cliff Road, at the intersection, six hundred forty (640) feet on Cliff Road in an easterly direction where the road intersects with Brier Neck Road on the northerly and southerly sides.

(Code 1970, §§ 21-125, 21-126, 21-128, 21-129; Ord. of 7-10-79, § I; Ord. of 5-20-80, § I; Ord. of 6-16-81, § I; Ord. No. 36-1995, § I, 9-26-95; Ord. No. 101-1998, § I, 7-28-98; Ord. No. 142-1999, § I, 1-19-99; Ord. No. 16-1999, § I, 8-10-99)

Sec. 22-272. Parking prohibited from May 1 to September 15--Saturdays, Sundays, holidays.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle on Saturdays, Sundays and holidays, or portions of such days, as indicated herein, during the period from May 1 to September 15 of each year, when signs are in place giving notice thereof, in accordance with section 22-158:

Atlantic Road, both sides, between Nautilus Road and Farrington Avenue, on Saturday afternoons, Sundays, and holidays.

Atlantic Road, both sides, between Farrington Avenue and the stone posts on the boundary of the Prentiss Estate at Braces Cove, Eastern Point, on Saturdays, Sundays and holidays.

Atlantic Road, Bass Rocks, both sides, from Bass Avenue to Nautilus Road, on Saturdays, Sundays and holidays.

Beach Road, Bass Rocks, both sides, from Atlantic Road to Brightside Avenue, on Saturdays, Sundays and holidays.

Beach Road, Bass Rocks, northerly side, from Brightside Avenue to Haskell Street, on Saturdays, Sundays and holidays.

Farrington Avenue, both sides, from a point 100 yards easterly from St. Louis Avenue, on Saturdays, Sundays and holidays.

Farrington Avenue, north side, from St. Louis Avenue to Eastern Point Boulevard, on Saturdays, Sundays and holidays.

Shore Road, both sides, for its entire length, on Saturday afternoons, Sundays, and holidays.

Tragabigzanda Road, Bass Rocks, both sides, for its entire length, on Saturdays, Sundays and holidays.

Western Avenue, southerly side, from a point beginning at Blynman Bridge, for a distance of 165 feet in an easterly direction on Saturdays, Sundays and holidays.

Witham Street, westerly side from Starknought Heights to Thatcher Road.

(Code 1970, § 21-127; Ord. of 5-22-79, § I; Ord. of 1-17-84, § I; Ord. No. 10-1992, § I, 3-24-92; Ord. No. 16-1997, § I, 1-21-97; Ord. No. 102-1998, § I, 7-28-98; Ord. No. 112-1998, § I, 8-3-98; Ord. No. 120-1998, § I, 9-1-98)

Sec. 22-273. Parking prohibited between certain hours on certain days.

(a) When signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle upon the following streets or parts thereof, between the hours of 8:00 a.m. and 4:00 p.m., on school days in accordance with section 22-159:

Webster Street, westerly side, beginning at a point 95 feet north of its intersection with Eastern Avenue and continuing north for 125 feet.

(b) When signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle upon the following streets or parts thereof, between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Fridays, as follows in accordance with section 22-159:

Middle Street, southerly side, at its intersection with Hancock Street for a distance of 60 feet in an easterly direction.

Middle Street, southerly side, from a point 96 feet from its intersection with Hancock Street for a distance of 20 feet in an easterly direction.

Orchard Street, southerly side, at a point from its intersection with Washington Street in a westerly direction for a distance of 40 feet.

(c) When signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle upon the following streets or parts thereof, between the hours of 8:00 a.m. and 6:00 p.m. on any business day, except Sundays and holidays in accordance with section 22-159:

Elm Street, easterly side, from Federal Street to Main Street.

Middle Street, southerly side, from a point 75 feet from its intersection with Center Street, for a distance of 44 feet in a westerly direction.

Pleasant Street, westerly side, beginning at a point 175 feet from its intersection with Warren Street in a northerly direction for a distance of 40 feet.

(d) When signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle upon the following streets or parts thereof, between the hours of 6:00 p.m. and 6:00 a.m. on weekdays or at any time on Saturdays and Sundays in accordance with section 22-159:

Langsford Street, both sides, from its intersection with Washington Street in a northerly direction for a distance of 835 feet.

(e) When signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle upon the following streets or parts thereof, between the hours of 5:00 p.m. to 7:00 a.m., except on Sundays and holidays, in accordance with section 22-159:

Main Street, southerly side, beginning at a point 180 feet from its intersection with Rowe Square for a distance of 390 feet in an easterly direction.

Main Street, easterly side, beginning at a point 670 feet easterly from its intersection with Rowe Square for a distance of 100 feet in an easterly direction.

(f) When signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle upon the following streets or parts thereof during the days and hours specified below in accordance with section 22-159:

Emerald Street, easterly side from its intersection with Washington Street, in a southerly direction for a distance of one hundred fifty (150) feet every Sunday between the hours of 9:30 a.m. to 12:00 noon.

Good Harbor Beach Parking Lot, from 8:30 p.m. to 6:00 a.m.

Goose Cove Reservoir at Fire Gate at end of Gee Avenue 9:00 p.m. to 6:00 a.m.

Haskell Street, on the southerly side from its intersection with Rocky Pasture Road between May 1 and September 15, annually from 9:00 a.m. to 5:00 p.m. on Saturdays, Sundays and holidays.

Loma Drive, both sides, between the hours of 9:00 a.m. and 4:00 p.m. from May 1 to September 15, for its entire length.

Mt. Pleasant Avenue, both sides, from its intersection with Rocky Pasture Road, in a southwesterly direction for a distance of 545 feet, Saturdays, Sundays and holidays between the hours of 9:00 a.m. to 5:00 p.m. from May 1 to September 15 annually.

Puerto Drive, both sides, between the hours of 9:00 a.m. and 4:00 p.m. from May 1 to September 15, for its entire length.

Rio Drive, both sides, between the hours of 9:00 a.m. and 4:00 p.m. from May 1 to September 15, for its entire length.

Wingarsheek Beach Parking Lot, from 8:30 p.m. to 6:00 a.m.

(Code 1970, §§ 21-130, 21-132, 21-133; Ord. of 6-16-81, § I; Ord. of 10-13-81, § I; Ord. No. 13-1992, § I, 5-5-92; Ord. No. 32-1995, § I, 5-30-95; Ord. No. 35-1995, § I, 6-27-95; Ord. No. 47-1997, § I, 7-8-97; Ord. No. 103-1998, § I, 7-28-98; Ord. No. 38-1999, § I, 10-26-99)

Sec. 22-274. Two-hour-parking between certain hours--Generally.

(a) Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two (2) hours at any one time, between the hours of 8:00 a.m. and 6:00 p.m. Monday through Saturday in accordance with section 22-160:

Pleasant Street, westerly side, at its intersection with Cedar and Shepherd Streets.

(b) Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two (2) hours at any one time, between the hours of 9:00 a.m. and 5:30 p.m. on any business day except Friday, and on Friday between the hours of 9:00 a.m. and 9:00 p.m., and specifically excepting Sundays and holidays in accordance with section 22-160:

Cedar Street, southerly side, from its intersection with Sargent Street in a westerly direction to the Boston & Maine Railroad tracks.

Chestnut Street, westerly side, for its entire length.

Cleveland Street, both sides, from its intersection with Sargent Street, in a westerly direction to the Boston & Maine Railroad tracks.

East Main Street, westerly side, from Parker Court to Stanley Court for a distance of 125 feet in a northerly direction.

Elm Street, westerly side, from Main Street to Federal Street.

Mason Street, westerly side, from a point 31 feet from its intersection with Prospect Street in a southerly direction for a distance of 152 feet.

Millett Street, westerly side, from its intersection with Sargent Street to its intersection with Warner Street.

Millett Street, westerly side, from a point twenty (20) feet from its intersection with Sargent Street, in a northerly direction for a distance of seventy-two (72) feet.

Sargent Street, westerly side, from its intersection with Cedar Street to its intersection with Cleveland Street.

Washington Street, westerly side, from Ashland Place to Marsh Street.

(c) Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two (2) hours at any one time, between the hours of 9:00 a.m. and 10:00 p.m. in accordance with section 22-160:

Railroad Avenue, northerly side, beginning at a point 80 feet from its intersection with Washington Street in an easterly direction for a distance of 65 feet from 9:00 a.m. to 10:00 p.m. daily.

(Code 1970, § 21-134; Ord. of 3-6-75, § 1; Ord. of 5-24-77, § 2; Ord. of 5-19-87, § 1; Ord. of 9-6-94, § 1)

Sec. 22-274.1. Reserved.

Editor's note--Ord. No. 2-1999, § 1, adopted June 22, 1999, added new provisions to the Code as 22-274A, which were redesignated as § 22-274.1 by the editor in order to follow the established numbering style of the Code. Subsequently, Ord. No. 84-2000, § 1, adopted Aug. 15, 2000, repealed § 22-274.1, which pertained to free parking during the Christmas holiday season and derived unamended from Ord. No. 2-1999.

Sec. 22-275. Two-hour parking between certain hours--From May 1 to September 15.

Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two (2) hours at any one time, during the period from May 1 to September 15 of each year, between the hours of 9:00 a.m. and 5:30 p.m. on any business day except Friday, and on Friday between the hours of 9:00 a.m. and 9:00 p.m., and specifically excepting Sundays and holidays in accordance with section 22-161:

Middle Street, southerly side, from Short Street to Pleasant Street.

(Code 1970, § 21-135; Ord. No. 17-1997, § I, 1-21-97; Ord. No. 73-2000, § I, 7-18-00)

Sec. 22-276. One and one-half hour parking on Saturdays, Sundays and holidays.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than one and one-half (1 1/2) hours on Saturdays, Sundays and holidays, when signs are in place giving notice thereof in accordance with section 22-162:

(Code 1970, § 21-136; Ord. of 9-26-89, § III)

Sec. 22-277. One-hour parking--Generally.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than one (1) hour at any time, when signs are in place giving notice thereof in accordance with section 22-163:

Church Street, easterly side, from Middle Street to Proctor Street.

East Main Street, easterly side, from the driveway at the building numbered 150 East Main Street to the driveway of the building near the junction of East Main Street and Highland Street.

East Main Street, westerly side, from the driveway leading to 160 East Main Street, southerly to 185 East Main Street.

East Main Street, westerly side from 191 East Main Street southerly and westerly to a point twenty (20) feet from the paved portion of Pirates Lane.

East Main Street, westerly side, from the driveway at the premises numbered 273 East Main Street, to the driveway east of the premises numbered 281 East Main Street.

East Main Street, westerly side, from a point 295 feet from the intersection of Wall Street in a southerly direction for a distance of 44 feet.

Exchange Street, northerly side, for a distance of 50 feet from a point 20 feet westerly from Washington Street.

Main Street, both sides, from Prospect Street to its intersection with East Main Street and Eastern Avenue.

Main Street, in front of #263 Main Street.

Main Street, northerly side, from Haven Terrace for a distance of forty (40) feet in an easterly direction.

Main Street, southerly side, from Vincent Street and Spring Street to Prospect Street.

Main Street, northerly side, in front of #382, beginning in a westerly direction for the entire length of the building. (Ord. 01-32 8/21/2001)

Main Street, in front of #322, one (1) space. (Ord. 03-13, 4/1/2003)

(Maplewood Avenue, in front of the premises presently owned by the Lawrence Peterson Company. Ord. 01-10 Deleted 3/13/2001)

Middle Street, up to 6 one-hour parking meters, southerly side, from the Cooperation Bank parking lot to the corner of Pleasant Street.

Pleasant Street, easterly side, from Prospect Street to Liberty Street, except Saturdays and Sundays.

Pleasant Street, easterly side, forty (40) feet from the northerly corner of Liberty Street for one hundred fourteen (114) feet, except Saturdays and Sundays.

Pleasant Street, easterly side, from Shepherd Street, three hundred forty-eight (348) feet in southerly direction, except Saturdays and Sundays.

Prospect Street, northerly side, from Railroad Avenue to School Street, excluding the service zone.

Railroad Avenue, southerly side, from a point 58 feet from its intersection with Washington Street in an easterly direction for a distance of 37 feet.

Washington Street, easterly side, from Malen's Gas Station at the corner of Railroad Avenue, northerly to the bus stop established next southerly to the Boston & Maine Railroad's tracks where Washington Street crosses such railroad's right-of-way.

Washington Street, westerly side, starting at a point 20 feet from its intersection with Beacon Street in a northerly direction for a distance of 39 feet.

(Code 1970, § 21-137; Ord. of 4-1-86, § I; Ord. of 7-7-87, § I; Ord. of 12-22-87, § I; Ord. of 1-10-89, § I; Ord. of 2-28-89, § I; Ord. of 5-9-89, § I; Ord. No. 8-1991, § I, 3-19-91; Ord. No. 10-1991, § I, 3-19-91; Ord. No. 12-1992, § I, 4-12-92; Ord. No. 4-1993, § I, 3-16-93; Ord. No. 40-1995, § II, 11-29-95; Ord. No. 77-2000, § I, 7-18-00)

Sec. 22-278. One-hour parking--Between certain hours.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than one (1) hour, between the hours specifically designated for each such area, and when signs are in place giving notice thereof in accordance with section 22-164:

Lexington Avenue, from 9:00 a.m. to 6:00 p.m., Monday through Saturday, easterly side, beginning at a point at its intersection with Norman Avenue thence running 474.77 feet in a southerly direction to its intersection with Flume Road.

Lexington Avenue, from 9:00 a.m. to 6:00 p.m. Monday through Saturday, westerly side, beginning at a point at its intersection with Norman Avenue thence running 464 feet in a southerly direction to its intersection with Flume Road.

Main Street, both sides, from number 370 Main Street and extending easterly for a distance of 233 feet to Patrican's Restaurant, between the hours of 8:00 a.m. and 6:00 p.m., and specifically exempting Sundays and holidays.

Proctor Street, southerly side, at its intersection with School Street, two (2) spaces to be reserved for exclusive use of the Fire Department from 8:00 a.m. to 6:00 p.m. each day.

Western Avenue, no parking year round southerly side from "way to county landing," westerly for a distance of 1190 feet between the hours of 12 Midnight and 6:00 a.m.

(Code 1970, § 21-138; Ord. No. 13-1992, § I, 5-5-92; Ord. No. 18-1997, § I, 1-21-97)

Sec. 22-279. Thirty-minute parking.

(a) Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than thirty (30) minutes, between the hours of 9:00 a.m. and 5:30 p.m. any business day except Friday, and on Fridays between the hours of 9:00 a.m. and 9:00 p.m., and specifically excepting Sundays and holidays in accordance with section 22-165:

Cleveland Street, northerly side, beginning at a point 20 feet from the corner of Cleveland Street and Maplewood Avenue for 37 feet in an easterly direction.

Commercial Street, easterly side, from number 13 Commercial Street to number 15 Commercial Street, to a point 45 feet southerly thereof.

Commercial Street, 22 feet from its intersection with Beach Court for a distance of 44 feet in a southeasterly direction.

Dale Avenue, two (2) 30-minutes parking meters in front of the Post Office Building.

East Main Street, northerly side, from a point opposite the southwesterly corner of the property numbered 227 East Main Street to a point 20 feet easterly therefrom.

East Main Street, northerly side, beginning at a point 47 feet west from the entrance to the pumping station for a distance of 40 feet in a westerly direction.

East Main Street, westerly side, from a point opposite the northern boundary of property numbered 201 East Main Street to a point 32 feet southerly therefrom.

East Main Street, southerly side from Ledge Road to the driveway at 164 Mt. Pleasant Avenue, two (2) spaces, between 7 a.m. and 9 p.m. (Ord. 02-29, 6/25/2002)

Eastern Avenue, in front of #2, one (1) space. (Ord. 02-10 4/16/2002)

Emerson Avenue, southerly side, beginning at a point 240 feet from its intersection with Lincoln Avenue in a westerly direction for a distance of 241 feet for a period of 6 months.

Friend Street, Establish two (2) 30-minute parking zones in front of 50--52 Friend Street.

Main Street, beginning at a point 80 feet from its intersection with Herrick Court in a westerly direction, for a distance of 44 feet.

Main Street, southerly side, 22 feet from a point 162 feet from Vincent Street in an easterly direction.

Main Street, two (2) 30-minute parking meters in front of #278 Main Street.

Maplewood Avenue, easterly side, beginning at a point 20 feet from the corner of Maplewood and Cleveland Street in a northerly direction for distance of 40 feet.

River Road, easterly side, beginning at a point 870 feet from its intersection with Bridgewater Street in a southerly direction for a distance of 130 feet.

Washington Street, northerly side, beginning at its intersection with Hodgkins Street in an easterly direction for a distance of 440 feet.

Washington Street, easterly side, from a point 20 feet from the intersection of Pearl Street in a southerly direction for a distance of 11 feet.

Washington Street, westerly side, from Whittemore Street to Baker Street.

Western Avenue, northerly side, from Centennial Avenue to Perkins Road.

(b) Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than thirty (30) minutes, between the hours of 8:30 a.m. and 4:00 p.m. Monday through Thursday, and on Fridays between the hours of 8:30 a.m. and 12:30 p.m. in accordance with section 22-165:

City Hall Yard, southerly side, from its intersection with Dale Avenue for a distance of 90 feet in an easterly direction.

(c) Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than thirty (30) minutes, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday in accordance with section 22-165:

Prospect Street, northerly side, from a point 345 feet from its intersection with Allen Street in a westerly direction for a distance of 22 feet.

(Code 1970, § 21-139; Ord. of 4-22-76, § 1; Ord. of 3-1-77, § 1; Ord. of 8-7-79, § I; Ord. of 10-28-80, § I; Ord. of 8-11-81, § I; Ord. of 2-22-83, § II; Ord. of 8-12-86, § I; Ord. of 11-17-87, § I; Ord. of 2-16-88, § I; Ord. of 7-12-88, § I; Ord. of 8-16-88, § I; Ord. of 7-11-89, § I; Ord. No. 27-1992, § I, 8-4-92; Ord. No. 7-1993, § I, 4-13-93; Ord. No. 20-1994, § I, 10-18-94; Ord. No. 75-1998, § I, 1-20-98; Ord. No. 78-2000, § I, 7-18-00)

Sec. 22-280. Fifteen-minute parking.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle for a longer period of time than fifteen (15) minutes when signs are in place giving notice thereof in accordance with section 22-166:

East Main Street, easterly side, beginning at a point 435 feet from its intersection with Chapel Street for a distance of 22 feet in a southerly direction.

East Main Street, four (4) spaces in the area of 273 and 275.

(Exchange Street, northerly side, beginning at a point 20 feet from its intersection with Washington Street for a distance of 22 feet in a westerly direction. Ord. 01-09 Deleted 3/13/01)

Fuller Street, beginning at a point twenty (20) feet from its intersection with Norman Avenue, two (2) spaces in a southerly direction.

Fuller Street, junction with Shore Road in the Square, two (2) spaces.

Lexington Avenue, westerly side between #21 and Flume Road.

Main Street, northerly side, from a point 215 feet from its intersection with Eastern Avenue in a westerly direction for a distance of 22 feet.

Main Street, southerly side, at its intersection with Manual F. Lewis Street beginning at a point 145 feet in an easterly direction for a distance of 22 feet.

Main Street, northerly side, from a point 80 feet from its intersection with Herrick Court for a distance of 22 feet in a westerly direction.

Main Street, from a point 22 feet from its intersection with Herrick Court in an easterly direction.

Main Street, in front of #37 Main Street.

(Maplewood Avenue, beginning at a point 237 feet from the corner of Cleveland Street and Maplewood Avenue of the easterly side of Maplewood Avenue at all times because the Maplewood Sweet Shop only closes between 5:00 p.m. and 9:00 p.m. Ord.

Maplewood Avenue, easterly side, from a point 58 feet from its intersection with Cleveland Street in a southerly direction for a distance of 22 feet.

Maplewood Avenue, easterly side, in a northerly direction from a point 154 feet from Derby Street for a distance of 62 feet, between the hours of 9:00 a.m. and 9:00 p.m. on Fridays, and between the hours of 9:00 a.m. and 5:30 p.m. on other weekdays.

Maplewood Avenue, easterly side, 20 feet from its intersection with Prospect Street in a northerly direction for a distance of 46 feet. Ord. 01-11 03/13/2001

Orchard Street, in front of #4, one space (Ord. 04-33 11/9/04)

Pleasant Street, easterly side, forty (40) feet from the northerly corner of Liberty Street.

Pleasant Street, easterly side, at a point 155 feet from its intersection with Liberty Street in a northerly direction for a distance of 23 feet.

Pleasant Street, westerly side, starting 20 feet from its intersection with Smith Street in a northerly direction for a distance of 22 feet.

Prospect Street, easterly side, from a distance of 15 feet from its intersection with Friend Street in a southerly direction for a distance of 33 feet.

Railroad Avenue, southerly side, from a point 105 feet from its intersection with Washington Street in an easterly direction for a distance of 58 feet.

Railroad Avenue, westerly side, extending northwesterly from its intersection with Prospect Street for a distance of 80 feet.

Sargent Street, 20 feet from the corner of Sargent Street and Cedar Street on the west side of Sargent Street in a southerly direction for a distance of 57 feet (this will required two (2) signs).

Washington Street, westerly side at a point 20 feet from its intersection with Beacon Street, in a northerly direction for a distance of 18 feet. (Ord. 04-03 May 11, 2004)

Washington Street, at #49 Washington Street, easterly side, from a point 20 feet from its intersection with Gould Court in a northerly direction, between 8:00 a.m. to 2:00 p.m. Mondays through Saturdays.

Washington Street, one (1) space in front of #63.

Washington Street, easterly side, in front of the property numbered 279 Washington Street, between the hours of 7:00 a.m. and 11:00 p.m., except Sundays and holidays.

Washington Street, easterly side, beginning at a point twenty (20) feet from its intersection with Grove Street, in a northerly direction, one (1) space.

Washington Street, northerly side, from a point 140 feet from its intersection with Duley Street for a distance of 32 feet in a northerly direction from 8:00 a.m. to 11:00 p.m. daily except Sundays and holidays.

Washington Street, northerly side, from a point 177 feet from Tucker Street in a westerly direction for a distance of 50 feet, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Saturday.

Washington Street, easterly side, at a point 30 feet from its intersection with Prospect Street in a northerly direction for a distance of 36 feet, Mondays through Saturdays 9:00 a.m. to 11:00 p.m. from May 1 to September 15 of each year.

Washington Street, westerly side, from a point 46 feet from its intersection with Washington Square for a distance of 24 feet in a southerly direction.

Washington Street, easterly side, starting 55 feet from its intersection with Addison Street for a distance of 55 feet to its intersection with Prospect Street.

Western Avenue, southerly side, beginning at a point 50 feet westerly of the Fisherman's Monument in an easterly direction for a distance of 100 feet.

Western Avenue, southerly side, two (2) fifty-foot, fifteen-minute parking spaces east and west of the two handicapped parking spaces with the seventy-foot area in front of the Fisherman's Monument left as public, unrestricted parking.

Western Avenue, beginning at a point 20 feet from the intersection with Middle Street for a distance of 90 feet in an easterly direction.

(Code 1970, § 21-140; Ord. of 6-12-75, § 1; Ord. of 4-22-76, § 1; Ord. of 5-24-77, § 3; Ord. of 7-1-80, § I; Ord. of 2-24-81, § I; Ord. of 10-13-81, § I; Ord. of 9-7-82, § I; Ord. of 8-2-83, § I; Ord. of 9-26-86, § I; Ord. of 10-14-86, § I; Ord. of 10-14-86, § I; Ord. of 5-10-88, § I; Ord. of 2-28-89, § I; Ord. No. 9-1991, § 1, 3-19-91; Ord. No. 10-1991, § I, 3-19-91; Ord. No. 30-1991, 9-3-91; Ord. No. 20-1992, § I, 8-4-92; Ord. No. 21-1992, § I, 8-4-92; Ord. No. 22-1992, § I, 8-4-92; Ord. No. 8-1993, § I, 4-13-93; Ord. No. 2-1994, § I, 4-5-94; Ord. No. 16-1994, § I, 9-6-94; Ord. No. 14-1995, § I, 2-7-95; Ord. No. 40-1995, § II, 10-30-95; Ord. No. 9-1996, § I, 4-2-96; Ord. No. 31-1996, § I, 7-23-96; Ord. No. 41-1996, § I, 10-1-96; Ord. No. 82-1998, § I, 3-17-98; Ord. No. 109-1998, § I, 8-3-98; Ord. No. 129-1998, § I, 10-27-98; Ord. No. 150-1999, § I, 2-16-99; Ord. No. 37-1999, § I, 10-26-99; Ord. No. 40-1999, § I, 10-26-99; Ord. No. 76-2000, § I, 7-18-00; Ord. No. 79-2000, § I, 7-18-00; Ord. No. 93-2000, § I, 9-26-00; Ord. No. 99-2000, § I, 11-6-00)

Sec. 22-280.1. Twenty-minute parking.

[Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle for a longer period of time than twenty (20) minutes:]

Stage Fort Park Visitor's Center, eight (8) spaces, from May 1 to November 1, 8:00 a.m. to 6:00 p.m.

(Ord. No. 94-2000, § I, 9-26-00)

Sec. 22-281. Ten-minute parking.

Upon the following streets or parts thereof, it shall be unlawful for any person to park a vehicle for a longer period of time than ten (10) minutes when signs are in place giving notice thereof in accordance with section 22-167:

Angle Street, southerly side, beginning at a point 42 feet from its intersection with Middle Street for a distance of 22 feet in an easterly direction.

Main Street, easterly side, in front of number 191 Main Street.

(Code 1970, § 21-141; Ord. of 12-8-81, § II; Ord. of 4-1-86, § I)

Sec. 22-282. Angle parking.

Upon the following streets or parts of streets, which have been marked or signed for angle parking, vehicles shall be parked with one (1) wheel within twelve (12) inches of the curb, at the angle to the curb indicated by such marks or official signs, and wholly within the painted lanes provided in accordance with section 22-169:

East Main Street, establish four (4) angle parking spaces at #64-66 East Main Street.

Main Street, southerly side, from its intersection with Manuel F. Lewis Road to 199 Main Street (Goldman's Department Store).

Main Street, beginning on the southerly side approximately thirty-four (34) feet from its intersection with Duncan Street in an easterly direction, locate fourteen (14) metered angle parking spaces and two (2) unmetered crime reporting parking spaces.

Parker Street, westerly side, beginning at a point twenty (20) feet from the entrance to the State Fish Pier, in a southerly direction for a distance of ninety-nine (99) feet.

Railroad Avenue, northeasterly side, in front of #27-33, ten (10) spaces. (Referenced by plan, dated 5/7/03, as revised and on file in the City Clerk's Office.) (Ord. #03-36, 10/28/2003) Ord. #03-39 DELETED 12/02/2003)

Railroad Avenue, 10 metered parking spaces on the northeasterly side in front of 27-33 (Ord. #03-39 12/02/2003)

Riverdale Park, on the westerly side of that portion of the street designated as "B Street" on a plan entitled "Proposed Layout and Acceptance of Road at Riverdale Park, Gloucester, Mass.," dated August 15, 1951, made by Maurice T. Dench, Jr., acting city engineer, and recorded in Essex South District Registry, Book 3844, page 534, between units numbered 11 to 18, inclusive.

Warren Street, northerly side, from a point twenty (20) feet from the intersection of the northerly line of Warren Street with the westerly line of Pleasant Street, to a point seven (7) feet from the intersection of the northerly line of Warren Street with the easterly line of Dale Avenue.

(Code 1970, § 21-105; Ord. of 9-8-87, § I; Ord. of 9-26-89, § I); Ord. No. 31-1991, § I, 9-10-91; Ord. No. 36-1997, § I, 4-29-97; Ord. No. 55-2000, § I, 2-15-00)

Sec. 22-283. Bus stops and taxi stands.

(a) The following locations are hereby designated as bus stops in accordance with section 22-170:

Harbor Loop, (easterly end), easterly side from Rogers Street in a southerly direction for 94 feet.

Manuel F. Lewis Road, locate one (1) forty-foot bus stop on the easterly side of said road, starting at a point 20 feet from its intersection with Rogers Street in a northerly direction.

Manuel F. Lewis Road, two (2) twenty-five-foot mini-bus stops on the easterly side of Manuel F. Lewis Road, beginning at a point 20 feet from its intersection with Rogers Street in a northerly direction.

(Main Street, in front of the former Woolworth Building. Ord. 03-14 Delete 4/15/03)

Main Street, northerly side, from a point 20 feet from its intersection with Center Street for a distance of 40 feet in an easterly direction. Note: One (1) bus to be allowed at this location at any one time. *Parking of vehicles other than buses will be allowed when buses are not in service after 6:00 p.m. on weekdays and Saturdays and all day on Sundays and holidays. (Ord. 03-30, 7/22/2003)*

Maplewood Avenue, easterly side, in a northerly direction from a point one hundred fifty-four (154) feet from Derby Street for a distance of sixty-two (62) feet, between the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday.

(Middle Street, starting 40 feet from its intersection with Center Street in an easterly direction for a distance of 60 feet. Ord. 01-46 Delete 12/11/2001)

Pleasant Street, westerly side, beginning at a point 50 feet north of its intersection with Prospect Street, for a distance of 120 feet in a northerly direction, effective from 8:30 a.m. to 9:30 a.m. and 2:30 p.m. to 3:30 p.m. weekdays, excluding the months of July and August.

Rogers Street, northerly side, from a point 50 feet from its intersection with Manuel F. Lewis Road in an easterly direction. Note: Two (2) forty-foot bus stops at this location.

(b) The following locations are hereby designated as taxi cab stands in accordance with section 22-171.

Rogers Street, taxi cab stand, southerly side, beginning at a point 20 feet from the westerly corner of the entrance to the parking lot at #25 Rogers Street in a westerly direction for 52 feet from the hours of 6:00 p.m. to 6:00 a.m. daily.

Rogers Street, approximately thirty (30) feet from its intersection with Harbor Loop in a westerly direction for a distance of eighteen (18) feet. *(Ord. 01-29 7/24/01)*

(Code 1970, §§ 21-112, 21-113; Ord. of 5-8-79, § I; Ord. of 9-7-82, § I; Ord. of 2-15-83, § I; Ord. of 2-14-84, § I; Ord. No. 3-1990, § I, 1-9-90; Ord. No. 6-1990, § I, 1-9-90; Ord. No. 34-1991, § I, 9-10-91; Ord. No. 16-1992, § I, 5-19-92; Ord. No. 3-1993, § I, 2-23-93; Ord. No. 41-1995, § I, 11-29-95; Ord. No. 13-1996, § I, 4-30-96; Ord. No. 32-1996, § I, 8-6-96; Ord. No. 49-1996, § I, 10-29-96)

Sec. 22-284. Service or loading zones.

The following locations are hereby designated as service or loading zones in accordance with section 22-172:

Beach Court, from pole number 264 in an easterly direction for thirty (30) feet.

Beacon Street, northerly side, 20 feet from its intersection with Washington Street in a westerly direction for a distance of 45 feet.

Commercial Street, from a point 20 feet from its intersection with Washington Street for a distance of 22 feet.

Lexington Avenue, westerly side, from a point 44 feet from the intersection of Flume Road in a northerly direction for a distance of 20 feet.

Main Street, northerly side, at a point 55 feet from its intersection with Hancock Street for a distance of 22 feet in a westerly direction.

Main Street, southerly side, beginning at its intersection with Mansfield Way for a distance of 22 feet in an easterly direction.

Main Street (#289), between the hours of 8:00 a.m. and 11:00 a.m. daily (except Sundays and Holidays)

*(Main Street, on the northerly side in front of #96 from 8:00 a.m. to 5:00 p.m.
(Trial period for one year) (Ord. 01-42 10/23/2001) Ord. 02-04, Delete, 02/5/2002)*

Main Street, northerly side, in front of #134, one (1) space, thirty (30) minute limit.(Ord. 02-41, 9/24/2002)

Middle Street, southerly side, starting at a point 34 feet from the easterly side line of Center Street at its intersection with Middle Street and running easterly a distance of 44 feet.

Middle Street, between #49 and #51, designated as one (1) handicapped parking space. (Ord. 02-38, 9/24/2002)

Pearl Street, southerly side, beginning at a point 327 feet from its intersection with Washington Street for a distance of 81 feet in an easterly direction. (Ord 05-01 1/4/05)

Prospect Street, westerly side beginning 60 feet from the southerly corner of the building at 139A Prospect Street in a northerly direction for a distance of 18 feet between the hours of 7:00 a.m. and 7:00 p.m. Mondays through Saturdays.

Rocky Neck Avenue, easterly side, from a point 58 feet opposite the northerly entrance of Sumac Lane in a southwesterly direction for a distance of 40 feet.

Rogers Street, one (1) space in front of #16.

Rogers Street, southerly side, beginning at a point 20 feet from the westerly corner of the entrance to the parking lot at #25 Rogers Street in a westerly direction for 52 feet from the hours of 6:00 a.m. to 6:00 p.m. daily.

St. Peter's Park, the land located at the easterly side of the Seafarer's International Building.

(Code 1970, § 21-115; Ord. of 8-11-81, § I; Ord. of 6-1-82, § I; Ord. of 6-7-83, § I; Ord. of 8-9-83, § I; Ord. of 8-16-88, § I; Ord. of 9-6-88, § I; Ord. of 11-14-89, § I; Ord. No. 10-1990, § I, 4-30-90; Ord. No. 35-1991, § I, 10-22-91; Ord. No. 42-1995, § I, 10-30-95; Ord. No. 33-1996, § I, 8-6-96; Ord. No. 45-1997, § I, 6-24-97; Ord. No. 117-1998, § I, 9-1-98)

Sec. 22-285. Parking of trucks, trailer trucks and other commercial vehicles.

(a) *Over two and one-half tons.* Trucks, trailer trucks and other commercial vehicles having a carrying capacity over two and one-half (2½) tons are hereby prohibited from parking on the following streets or parts of streets when signs are in place giving notice thereof, in accordance with section 22-173:

Main Street, northerly side, from its intersection with Prospect Street to its intersection with Eastern Avenue.

Main Street, trailer truck parking prohibited at 375 Main Street 90 feet either side of entrance.

Riverside Avenue, for its entire length, at all times.

Rogers Street, westerly side, between Manuel F. Lewis and Duncan Streets.

(b) *Over three tons.* Trucks, trailer trucks and other commercial vehicles having a carrying capacity over three (3) tons are hereby prohibited from parking on the following streets or parts of streets when signs are in place giving notice thereof in accordance with section 22-173:

Rogers Street, both sides, from a point 530 feet from its intersection with Manuel F. Lewis Street in a westerly direction to its intersection with Washington Street for its entire length from 6:00 p.m. to 8:00 a.m.

Manuel F. Lewis Street, both sides at all times, for its entire length.

(c) *Refrigeration units in operation.* Trucks are prohibited from parking on the following streets or parts of streets with their refrigeration units in operation from 7:00 p.m. to 7:00 a.m. on Mondays through Fridays and prohibited entirely on weekends:

Main Street, both sides for its entire length.

Violators will be towed in accordance with section 22-242(12).

(d) *Permitted parking of trailer trucks.* Trailer trucks shall be allowed to park on the following streets or parts of streets:

Harbor Loop, easterly side, spaces shall be provided for the parking of 2 trailer trucks from a point beginning 340 feet from its intersection with Rogers Street in a southerly direction.

Harbor Loop, westerly side, from a point 360 feet from its intersection with Rogers Street in a southerly direction for a distance of 420 feet at all times.

Parker Street, both sides, beginning at a point 25 feet from the pumping station for a distance of 230 feet in an easterly direction.

(e) *Over three-quarter tons.* Trucks, trailer trucks, and other commercial vehicles, having a carrying capacity over three-quarter tons are hereby prohibited from parking on Stacy Boulevard (Western Avenue) both sides from the Blynman Bridge, in an easterly direction to the public landing at the eastern end of the Boulevard except for special events, holidays and by vehicles used by authorized fixed-site vendors.

(Code 1970, § 21-64; Ord. of 4-15-76, § I; Ord. of 9-16-76, § 1; Ord. of 10-14-76, § 1; Ord. of 1-17-78, § I; Ord. of 10-28-80, § I; Ord. of 1-24-84, § I; Ord. No. 26-1992, § I, 8-4-92; Ord. No. 48-1997, § I, 7-8-97)

Sec. 22-286. Parking of semitrailers and semitrailer units.

(a) *Prohibited on certain streets generally.* Except for the parts of streets listed in subsection (b), semitrailers and semitrailer units are prohibited from parking on the following streets except to load and unload when signs are installed giving notice thereof in accordance with section 22-174:

<u>Alper Road</u>	<u>Marchant Street</u>
<u>Beach Court</u>	<u>Mason Court</u>
<u>Blackburn Place</u>	<u>Mason Street</u>
<u>Center Street</u>	<u>Middle Street</u>
<u>Chestnut Street</u>	<u>Parker Street</u>
<u>Chisholm Court</u>	<u>Parsons Street</u>
<u>Church Street</u>	<u>Pine Street</u>
<u>Columbia Street</u>	<u>Pleasant Street</u>
<u>Commercial Court</u>	<u>Porter Street</u>
<u>Commercial Street</u>	<u>Proctor Street</u>
<u>Cross Street</u>	<u>Prospect Square</u>
<u>Dale Avenue</u>	<u>Prospect Street</u>
<u>Elm Street</u>	<u>Rogers Street</u>
<u>Federal Street</u>	<u>Rowe Square</u>
<u>Fort Square</u>	<u>Scott Street</u>
<u>Gould Court</u>	<u>Short Street</u>
<u>Hancock Street</u>	<u>Spring Court</u>
<u>Harbor Loop</u>	<u>Spring Street</u>
<u>Loring Court</u>	<u>Warren Street</u>
<u>Main Street</u>	<u>Washington Street</u>
<u>Mansfield Street</u>	<u>Winchester Court</u>
<u>Manuel F. Lewis Street</u>	<u>Whittemore Street</u>

(b) *Allowed; exception.* Except between 12:00 midnight and 6:00 a.m. from December 15 to March 15, parking of semitrailers and semitrailer units are hereby allowed on the following parts of streets in accordance with section 22-174:

Rogers Street, northerly side, at a point 260 feet from its intersection with Manuel F. Lewis Street, for a distance of 250 feet in an easterly direction.

Rogers Street, northerly side, from a point 195 feet from its intersection with Manuel F. Lewis Street for a distance of 150 feet in an easterly direction.

Rogers Street, southerly side, from a point 60 feet from its intersection with Rowe Square for a distance of 160 feet in a westerly direction.

Rogers Street, southerly side, from a point 425 feet from its intersection with Rowe Square for a distance of 80 feet in a westerly direction.

Rogers Street, southerly side, beginning at a point 30 feet easterly from its intersection with the entrance to Quincy Market, for a distance of 140 feet in an easterly direction.

Rogers Street, southerly side, beginning at a point 260 feet easterly from its intersection with the entrance to Quincy Market for a distance of 140 feet in an easterly direction.

(Code 1970, §§ 21-121, 21-155; Ord. of 6-8-77, § I; Ord. of 9-5-78, § I; Ord. of 11-13-79, § I; Ord. of 6-16-81, § I; Ord. of 12-1-81, § I; Ord. of 3-24-87, § I; Ord. No. 33-1991, § I, 9-10-91)

Sec. 22-287. Disabled veteran, handicapped parking.

The following locations are hereby designated as disabled veteran and handicapped parking areas when official signs are in place giving notice thereof in accordance with section 22-175:

Addison Street (opposite #28), designated as one (1) handicapped parking space. *Addison Street (#5)*, designated as one (1) handicapped parking space.

Alpine Court (#2), designated as one (1) handicapped parking space.

(Alpine Court (#2), designated as one (1) handicapped parking space. Ord. 03-09 Deleted 02/04/2003)

Arnold Way, near the corner of 74 Mt. Pleasant Avenue, designated as one (1) handicapped parking space. (Ord. 03-27, 6/24/2003)

(Beach Court (#3), designated as one (1) handicapped space. (Ord. 01-04, Delete 01/16/2001)

(Beach Court (#9), designated as one (1) handicapped parking space. (Ord. 03-02 Deleted, 01/21/2003)

Chestnut Street (#13), designated as one (1) handicapped parking space.

Church Street (#13), designated as one (1) handicapped parking space.

Commonwealth Avenue (#4), designated as one (1) handicapped space.

Commonwealth Avenue, northerly side, beginning at a point 20 feet easterly of Alpine Court, for a distance of 20 feet.

(Dale Avenue, easterly side, from a point 90 feet from its intersection with Warren Street, for a distance of 22 feet in a northerly direction. Ord. 02-09 Delete 3/19/2002)

Dale Avenue, easterly side, from a point 90 feet from its intersection with Warren Street, for a distance of 22 feet in a northerly direction which shall be enforced as two-hour parking only from 7:00 a.m. to 8:30 p.m. (Ord. 02-09 3/19/2002)

Dale Avenue, easterly side, from a point 136 feet from its intersection with Warren Street, for a distance of 22 feet in a northerly direction.

Duncan Street (#25), designated as one (1) handicapped space.

(Elm Street, at 25 Elm Street effective 8:00 a.m. to 5:00 p.m. Monday through Friday. Ord. 02-51 Deleted 10/29/2002)

Emerson Avenue (#3), near Lincoln Park, one (1) handicapped parking space.

Emerson Avenue Veteran's Center, one (1) space.

Exchange Street (#13), designated as one (1) handicapped space.

Fair Street (#11), designated as one (1) handicapped space 258 feet from its intersection of Friend and Fair Streets.

Fitz Hugh Lane Parking Lot, two (2) parking spaces designated for handicapped parking.

(Fort Square (#42), designated as one (1) handicapped parking space. Ord. 02-18 Delete 5/14/2002)

(Fort Square (opposite side of the street of #55), designated as one (1) handicapped parking space. Ord. 03-01 Deleted, 01/21/ 2002)

Forest Street, in front of #7, one handicapped parking space (Ord. 04-34 11/9/04)

Foster Street, on the northerly side, beginning twenty (20) feet from its intersection with Washington Street, designated as one (1) handicapped parking space.

Gloucester Avenue, in front of Baptist Church, two (2) parking spaces to be utilized during church services only.

Good Harbor Beach Parking Lot, three (3) spaces.

(Granite Street (#7), designated as one (1) handicapped parking space. Ord. 01-22 Delete 6/19/2001)

Granite Street, (#9), designated as one (1) handicapped parking space. (Ord. 02-01 1/8/02)

(Granite Street, (#9), designated as one (1) handicapped parking space. (Ord. 02-45 Deleted 10/8/02)

Granite Street, located 32 feet from Utility Pole #3488 going up Granite Street away from Washington Street, designated as one (1) handicapped parking space. (Ord. 02-53, 11/12/2002)

Granite Street, (#27), designated as one (1) handicapped parking space. (Ord. 03-22, 5/13/2003)

Granite Street, (#23), designated as one (1) handicapped parking space. (Ord. #03-40 12/16/2003)

Harbor Loop, adjacent to the fire hydrant next to the entrance to the Building Center, designated as one (1) handicapped space.

Harbor Lot, three (3) spaces designated as handicapped parking. (Ord. 03-38 Deleted, 12/2/2003)

Harbor Lot, six (6) spaces designated as handicapped parking. (Ord. 03-38, 12/2/2003)

Hartz Street (#34), designated as one (1) handicapped space.

Knowlton Square, (#11 ½), designated as one (1) handicapped parking space. (Ord. 03-12, 4/1/2003)

Leonard Street, #25, designated as one (1) handicapped parking space. (Ord. 04-13 08/10/04)

Lexington Avenue, westerly side, one (1) space beginning at a point one hundred seventy-two (172) feet from its intersection with Hesperus Avenue for a distance of twenty-two (22) feet in a northerly direction.

Lexington Avenue, easterly side in a southerly direction from the corner of Norman Avenue and Lexington Avenue for a distance of fifty-eight (58) feet, one (1) nineteen-foot handicapped parking space with white stripe; new ramp, no parking.

Lexington Avenue, westerly side in a southerly direction for a distance of thirty (30) feet from utility pole #4705, imprint white lines for a distance of nineteen (19) feet at curb ramp. (Move existing handicapped parking space three (3) feet forward in a southerly direction. From utility pole to handicapped sign is sixty-eight (68) feet.)

Lexington Avenue, westerly side, beginning at a point one hundred forty-four (144) feet from its intersection with Shore Road for a distance of twenty-two (22) feet in a northerly direction.

Madison Avenue, twenty (20) feet from its intersection with Washington Street on the westerly side, designated as one (1) handicapped parking space.

Main Street, #300, designated as one (1) handicapped parking space.

Main Street, northerly side, 196 Main Street, at a point 20 feet from its intersection with Elm Street, thence 22 feet in a westerly direction.

Main Street, northerly side, from a point 140 feet from its intersection with Pleasant Street, then 22 feet in a westerly direction.

Main Street, in front of #122-124, designated as one (1) handicapped parking space.

Main Street, beginning on the southerly side approximately twenty-four (24) feet from its intersection with Duncan street in an easterly direction, one (1) angled space designated as handicapped parking.

Main Street Parking Lot, two (2) designated handicapped parking spaces.

Mason Street, westerly side, beginning at a point 130 feet north of its intersection with itself, then 140 feet east of its intersection with School Street, for a distance of 22 feet.

Mason Street, #18, designated as one (1) handicapped parking space.

Mason Street, #18 designated as one (1) handicapped parking space (Ord. 04-36 DELETED 12/14/04)

Mason Street, (#25), designated as one (1) handicapped parking space.

Mason Street, #22, designated as one (1) handicapped parking space. (Ord. 01-31 7/24/2001)

Mason Street, #22 designated as one (1) handicapped parking space (Ord. 04-35 DELETED 12/14/04)

Middle Street (in front of YMCA), southerly side, from a point of 20 feet from its intersection with Hancock Street for a distance of 22 feet in a westerly direction.

(Middle Street (#8), designated as one (1) handicapped parking space. Ord. 03-26, Delete, 6/10/2003)

Middle Street, (#42), designated as one (1) handicapped parking. (Ord. 01-25 7/10/2001)

Millett Street, westerly side, beginning at a point 50 feet south of its intersection with Summit Street for a distance of 20 feet in a southerly direction.

Millett Street, westerly side, beginning at a point 50 feet south of its intersection with Summit Street for a distance of 20 feet in a southerly direction. (Ord 05-03 DELETED 1/18/05)

Millett Street (#20), designated as one (1) handicapped parking space.

Millett Street, from a point 40 ft. in a southerly direction from #38 with parking space situated 22 ft. in a northerly direction. (Ord. 03-08, 02/04/2003)

Millett Street, between #32 and #34, designated one handicapped parking space

(Orchard Street (#16), designated as one (1) handicapped parking space. Ord. 03-32 Delete, 9/2/2003)

Niles Beach Parking Lot, two (2) spaces.

Pine Street (in front of #7), designated as one (1) handicapped parking space.

Pine Street, (#11), designated as one (1) handicapped parking space. (Ord. 01-26 7/10/2001)

Pine Street, (#23), designated as one (1) handicapped parking space. (Ord. 02-05 2/19/02)

Pine Street, (#23), designated as one (1) handicapped parking space (Ord. 04-11 Delete 08/10/04)

Pine Street, (#20), designated as one (1) handicapped parking space. (Ord. 03-03, 01/21/2003)

Police Station/Courthouse Parking Lot, one (1) space designated as handicapped parking.

(Prospect Square (#11), designated as one (1) handicapped parking space. Ord. 02-19 Delete 5/14/2002)

Prospect Street, in front of #110, designated as one (1) handicapped parking space. (Ord. 01-03 01/16/2001)

(Riverside Avenue, (#25), designated as one (1) handicapped parking space. (Ord. 02-58, 11/19/2002) Ord. 03-33, Delete, 9/2/2003)

(Sadler Street (#4), designated as one (1) handicapped parking space. Ord. 03-29 Deleted 7/8/03)

School Street, one (1) handicapped parking space in front of #30.

School Street, westerly side 20 feet from its intersection with Addison Street for a distance of 22 feet in a southerly direction.

School Street, westerly side from a point 20 feet from its intersection with Middle Street in a southerly direction.

School Street, on the westerly side, forty-two (42) feet from its intersection with Middle Street, for a distance of twenty-two (22) feet, in a northerly direction, designated as one (1) handicapped parking space.

Shepherd Street (#22), designated as one (1) handicapped parking space.

(Smith Street, (#3), located 85 feet from the intersection with Maplewood Avenue, designated as one (1) handicapped parking space (Ord. 02-52, 11/12/2002) Ord. 03-34, Delete, 9/16/2003)

Spring Street (#13), designated as one (1) handicapped parking space.

Stacy Boulevard, two (2) designated handicapped parking spaces, east of the Blynman Bridge, water side as follows: Space #1, beginning at a point thirty-five (35) feet east of the center point of the Fisherman's Statue for a distance of twenty-eight (28) feet in an easterly direction. Space #2, beginning at a point thirty-five (35) feet west of the center point of the Fisherman's Statute for a distance of twenty-eight (28) feet in a westerly direction.

Stage Fort Park Upper Lot, six (6) spaces.

Stage Fort Park Lower Lot, two (2) spaces.

Summer Street, westerly side, beginning at a point 55 feet from its intersection with Beacon Street, thence 22 feet in a southerly direction.

(Sylvan Street (#3), one handicapped parking space. Ord. 01-47 Delete 12/11/2001)

Sylvan Street, easterly side, beginning 54 feet from its intersection with Cleveland Street in a northerly direction for a distance of 18 feet, designated as one (1) handicapped parking space. (Ord. 02-12 4/16/2002)

Town Landing Parking Lot, two (2) spaces.

Visitor's Center at Stage Fort Park, one (1) space.

Warner Street (#44), designated as one (1) handicapped parking space.

Washington Square (#11), designated as one (1) handicapped parking space for the handicapped resident at #18 Washington Square per agreement with owner.

Washington Street, Legion Building, replace meter #4149 with handicap parking space.

Washington Street,

Washington Street (#25), designated as one (1) handicapped parking space.

Webster Street (#32), designated as one (1) handicapped parking space.

Wells Street, westerly side, forty-five (45) feet from the intersection of Commonwealth Avenue in a southerly direction, designated as one (1) handicapped space.

Wells Street, westerly side, 45 feet from the intersection of Commonwealth Avenue, in a southerly direction, designated as one (1) handicapped parking space. (Ord. 04-12 Delete 08/10/04)

Western Avenue, (#88), designated as one (1) handicapped parking space. (Ord. 03-04, 01/21/2003)

Western Avenue, (#129), designated as one (1) handicapped parking space.

Whittemore Street, (#15), designated as one (1) handicapped parking space, beginning ten (10) feet from left hand fence line for a distance of twenty-two (22) feet. (Ord. 02-28, 6/25/2002)

Wingaersheek Beach Parking Lot, three (3) spaces.

(Ord. of 8-11-81, § I; Ord. of 8-18-81, § I; Ord. of 10-13-81, § I; Ord. of 3-23-82, § I; Ord. of 2-12-85, § I; Ord. of 8-13-85, § I; Ord. of 2-17-85, § I; Ord. of 4-14-87, § I; Ord. of 7-7-87, § I; Ord. of 4-5-88, § I; Ord. of 5-17-88, § I; Ord. of 9-13-88, § I; Ord. of 10-11-88, § I; Ord. of 5-9-89, § I; Ord. No. 16-1990, § I, 8-7-90; Ord. No. 8-1991, § I, 3-19-91; Ord. No. 27-1991, § I, 7-16-91; Ord. No. 29-1991, § I, 8-7-91; Ord. No. 30-1992, § I, 11-10-92; Ord. No. 32-1992, § I, 11-10-92; Ord. No. 5-1993, § I, 4-6-93; Ord. of 10-12-93, § I; Ord. No. 4-1994, § I, 4-5-94; Ord. No. 21-1994, § I, 10-18-94; Ord. No. 10-1995, § I, 1-10-95; Ord. No. 16-1995, § I, 2-7-95; Ord. No. 17-1995, § I, 2-7-95; Ord. No. 18-1995, § I, 3-2-95; Ord. No. 23-1995, § I, 3-21-95; Ord. No. 24-1995, § I, 4-4-95; Ord. No. 29-1995, § I, 5-30-95; Ord. No. 30-1995, § I, 5-30-95; Ord. No. 33-1995, § I, 5-30-95; Ord. No. 28-1995, § I, 9-26-95; Ord. No. 14-1996, § I, 5-28-96; Ord. No. 23-1996, § I, 7-9-96; Ord. No. 25-1996, § I, 7-23-96; Ord. No. 26-1996, § I, 7-23-96; Ord. No. 27-1996, § I, 7-23-96; Ord. No. 27-1996, § I, 7-23-96; Ord. No. 28-1996, § I, 7-23-96; Ord. No. 34-1996, § I,

8-20-96; Ord. No. 1-1997, § I, 1-7-97; Ord. No. 6-1997, § I, 1-14-97; Ord. No. 8-1997, § I, 1-14-97; Ord. No. 23-1997, § I, 2-4-97; Ord. No. 28-1997, § I, 2-18-97; Ord. No. 39-1997, § I, 5-27-97; Ord. No. 40-1997, § I, 5-27-97; Ord. No. 54-1997, § I, 7-22-97; Ord. No. 55-1997, § I, 7-22-97; Ord. No. 56-1997, § I, 8-5-97; Ord. No. 67-1997, § I, 10-28-97; Ord. No. 80-1998, § I, 3-3-98; Ord. No. 90-1998, § I, 4-29-98; Ord. No. 91-1998, § I, 5-26-98; Ord. No. 105-1998, § I, 7-28-98; Ord. No. 130-1998, § I, 10-27-98; Ord. No. 144-1999, § I, 1-19-99; Ord. No. 145-1999, § I, 1-19-99; Ord. No. 146-1999, § I, 1-19-99; Ord. No. 148-1999, § I, 2-16-99; Ord. No. 149-1999, § I, 2-16-99; Ord. No. 152-1999, § I, 3-16-99; Ord. No. 3-1999, § I, 6-22-99; Ord. No. 7-1999, § I, 6-8-99; Ord. No. 14-1999, § I, 8-3-99; Ord. No. 15-1999, § I, 8-3-99; Ord. No. 19-1999, § I, 8-10-99; Ord. No. 24-1999, § I, 9-14-99; Ord. No. 25-1999, § I, 9-14-99; Ord. No. 45-1999, § I, 11-22-99; Ord. No. 46-2000, § I, 1-18-00; Ord. No. 47-2000, § I, 1-18-00; Ord. No. 48-2000, § I, 1-18-00; Ord. No. 49-2000, § I, 2-1-00; Ord. No. 52-2000, § I, 2-15-00; Ord. No. 53-2000, § I, 2-15-00; Ord. No. 56-2000, § I, 2-15-00; Ord. No. 61-2000, § I, 4-11-00; Ord. No. 62-2000, § I, 5-9-00; Ord. No. 67-2000, § I, 6-27-00; Ord. No. 72-2000, § I, 7-18-00; Ord. No. 74-2000, § I, 7-18-00; Ord. No. 75-2000, § I, 7-18-00; Ord. No. 85-2000, § I, 8-15-00; Ord. No. 86-2000, § I, 8-15-00; Ord. No. 87-2000, § I, 8-15-00; Ord. No. 88-2000, § I, 8-29-00; Ord. No. 90-2000, § I, 9-26-00; Ord. No. 95-2000, § I, 10-10-00; Ord. No. 96-2000, § I, 10-24-00; Ord. No. 97-2000, § I, 10-24-00; Ord. No. 98-2000, § I, 10-24-00; Ord. No. 100-2000, § I, 11-6-00; Ord. No. 109-2000, § I, 11-28-00; Ord. No. 110-2000, § I, 11-28-00)

Sec. 22-288. Off-street parking areas.

The following are off-street parking areas, established in accordance with section 22-191:

Fitz Hugh Lane Parking Lot, situated on the southerly side of Rogers Street and containing forty-eight (48) angled parking spaces, three (3) parallel parking spaces, two (2) handicapped parking spaces as shown on a plan on file in the office of the city clerk.

Harbor Parking Lot, situated on the southerly side of Rogers Street and containing 99 parking spaces as shown on Drawing No. 30005, dated August, 1957, Whitman & Howard, Engineers, the original of which is on file in the office of the city clerk, and, as amended to 71 parking spaces on January 7, 1997.

Main Street Parking Lot, fifteen (15) spaces including two (2) handicapped spaces with two-hour parking limit, no fee, and hours of operation 8 a.m. to 7 p.m. with vehicles violating the hours of operation to be ticketed and towed.

Manuel F. Lewis Parking Lot, situated on the northerly side of Rogers Street and the easterly side of Manuel F. Lewis Road and containing 59 spaces as shown on a plan on file in the office of the city clerk.

Manuel Lewis Street parking lot, situated at the northerly side of Rogers Street and the easterly side of Manuel F. Lewis Street that contains 59 parking spaces, that eight spaces from the Gorton's fence to the parking lot egress on the northerly side of Rogers Street and the Manuel Lewis Parking Lot be reserved for patrons of the Rose Baker Senior Center, during the hours of 8:00 a.m. to 3:00 p.m. Monday through Friday. (Ord. 05-07 2/15/05)

Pleasant Street Parking Lot, located on Pleasant Street between Warren and Middle Streets, containing 34 spaces as shown on the plan by Whitman & Howard, dated August 1, 1966, the original of which is on file in the office of the city clerk.

Town Landing Parking Lot, situated on the easterly side of Commercial Street and containing 118 parking spaces as shown on Drawing No. 30003, dated August 27, 1957, the original of which is on file in the office of the city clerk.

(Code 1970, § 21-149; Ord. of 1-11-83, § I; Ord. No. 30-1991, § 5, 9-3-91; Ord. No. 2-1997, § I, 1-7-97; Ord. No. 24-1997, § I, 2-4-97; Ord. No. 50-2000, § I, 2-15-00; Ord. 51-2000, § I, 2-15-00)

Sec. 22-289. Parking meter zones--On streets.

The following described streets or parts of streets in the city are hereby established as parking meter zones, with parking restrictions as specifically indicated for each such zone in accordance with section 22-211:

<u>Location</u>	<u>Maximum Time</u>	<u>Fee</u>
<u>Boynton Way</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Dale Avenue</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Harbor Loop</u>	<u>10 hours</u>	<u>\$0.25 per hour</u>
<u>Manual F. Lewis Rd.</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Pleasant Street</u> <u>Railroad Avenue, 27-33,</u> <u>northeasterly side, 10</u> <u>metered angle parking</u> <u>spaces (Ord. 03-39,</u> <u>12/2/2003)</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>School Street</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Warren Street</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Washington Street</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Washington Street, easterly</u> <u>side from Main to Middle</u> <u>Streets</u>		
<u>Meters W1--W4</u>	<u>10 hours</u>	<u>\$0.25 per hour</u>
<u>Meters W5--W10</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Dale Avenue (meter #s 9,</u> <u>9A, 10, 10A, 24, 25, 37, 38,</u> <u>39)</u>	<u>[1 hour]</u>	<u>\$0.25 per hour</u>
<u>Duncan Street</u>	<u>1 hour</u>	<u>\$0.25 per hour</u>
<u>Main Street</u>	<u>2 hours</u>	<u>\$0.25 per hour</u>
<u>Manual F. Lewis Road</u>	<u>1 hour</u>	<u>\$0.25 per hour</u>
<u>Middle Street, two one-hour</u> <u>parking meters in front of the</u> <u>Y.M.C.A. Building</u>	<u>2 hours</u>	<u>[\$0.25 per hour]</u>
<u>Middle Street, three one-hour</u> <u>parking meters, southerly</u> <u>side, starting 20 feet from its</u> <u>intersection with Hancock</u>	<u>1 hour</u>	<u>[\$0.25 per hour]</u>

<u>Street in an easterly direction</u>		
<u>Middle Street, three (3) two-hour parking meters on the southerly side of Middle Street between Hancock and Center Streets</u>	<u>2 hour</u>	<u>[\$0.25 per hour]</u>
<u>Pleasant Street, two parking meters in front of #36--#38 Pleasant Street</u>	<u>[1 hour]</u>	<u>\$0.25 per hour</u>
<u>Porter Street</u>	<u>1 hour</u>	<u>\$0.25 per hour</u>
<u>Rogers Street, both sides from its intersection with Washington Street to Manuel F. Lewis Road</u>	<u>Ten hours</u>	<u>\$0.25 per hour</u>
<u>Warren Street, meter #1--8</u>	<u>[1 hour]</u>	<u>\$0.25 per hour</u>
<u>Washington Street, two one-hour parking meters at 22--40 Washington Street</u>	<u>1 hour</u>	<u>[\$0.25 per hour]</u>
<u>Washington Street, two (2) one-hour parking meters, easterly side, starting 144 feet from its intersection with Pine Street in a southerly direction.</u>	<u>1 hour</u>	<u>[\$0.25 per hour]</u>
<u>Dale Avenue</u>	<u>1/2 hour</u>	<u>\$0.10 per 1/2 hour</u>
<u>Warren Street</u>	<u>1/2 hour</u>	<u>\$0.10 per 1/2 hour</u>
<u>Washington Street, easterly side approximately one hundred ten (110) feet from its intersection with Middle St., in a northerly direction, three (3) thirty-minute meters. (Meters #12 and #13 from one (1) hour to thirty (30) minutes and one (1) additional thirty-minute [meter] adjacent to meter #13.)</u>	<u>[1/2 hour]</u>	

(Code 1970, § 21-164; Ord. of 12-8-81, § I; Ord. of 1-11-83, § II; Ord. of 2-5-83, § I; Ord. of 4-19-83, § I; Ord. of 6-7-83, § I; Ord. of 9-6-83, § I; Ord. of 8-12-86, § II; Ord. of 9-8-87, § I; Ord. of 2-2-88, § I; Ord. of 4-5-88, § I; Ord. of 9-6-88, § I; Ord. of 2-28-89, § I; Ord. of 4-11-89, § I; Ord. of 4-18-89, § I; Ord. of 5-9-89, § I; Ord. of 9-5-89, § I; Ord. of 9-26-89, § I; Ord. No. 2-1990, § I, 1-9-90; Ord. No. 9-1990, § I, 3-20-90; Ord. No. 12-1990, § I, 5-8-90; Ord. No. 30-1991, § I, 9-3-91; Ord. No. 36-1991, § I, 10-22-91; Ord. No. 33-1992, § I, 11-10-92; Ord. No. 10-1993, § I, 8-3-93; Ord. No. 12-1993, § I, 9-7-93; Ord.

No. 52-1996, § I, 11-12-96; Ord. No. 21-1997, § I, 1-21-97; Ord. No. 44-1999, § I, 11-22-99; Ord. No. 101-2000, § I, 11-6-00)

Sec. 22-290. Parking meter zones--Off-street parking areas.

The following numbered parking spaces as shown on plans for each individual off-street parking area are hereby established as parking meter zones, with parking meter restrictions as specifically indicated for each zone in accordance with section 22-212:

Duncan Street Parking Lot, for public metered two (2) hour use (Ord.04-04 5/11/04)

Fitz Hugh Lane Lot, 10-hour meters.

Fitz Hugh Lane Parking Lot - designating half (29 spaces) of the available parking spaces for police and court personnel and install adequate signage/buffers and markings to properly identify public and private spaces. This will be a one year trial. Ord. 04-05 5/11/04)

Fort Square, from midnight to 6:00 a.m., beginning at a point on the northerly side from #26 Fort Square to a point twenty (20) feet from the corner of Fort Square, and then from a point twenty (20) feet on the westerly side of #46 Fort Square to a point twenty (20) feet from its intersection with Commercial Street.

(Harbor Parking Lot, for the entire year, spaces 1 through 35, 2 hours; spaces 36 through 65, 10 hours; spaces 66 through 71, disabled/handicapped. Ord. #03-35 Delete, 10/28/2003)

Harbor Point Lot, for the entire year, spaces 1 through 65, 10 hours; spaces 66 through 71, disabled/handicapped. (Ord. #03-35, 10/28/2003)

Pleasant Street Parking Lot, from 1 to 2 hours.

(Code 1970, § 21-165; Ord. of 6-15-82, § I; Ord.Ord. No. 37-1995, § I, 9-26-95; Ord. No. 3-1997, § I, 1-7-97; Ord. No. 19-1997, § I, 1-21-97; Ord. No. 20-1997, § I, 1-21-97; Ord. No. 54-2000, § I, 2-15-00)

Sec. 22-291. Tow-away zones.

The following is a nonexclusive list of locations which are designated as tow-away zones when signs are in place giving notice thereof in accordance with section 22-242:

Addison Street, southerly side, beginning at its intersection with the easterly side of Leighton Court for a distance of ten (10) feet in an easterly direction.

Addison Street, southerly side, beginning at its intersection with the westerly side of Leighton Court for a distance of ten (10) feet in a westerly direction.

Allen Street, easterly side from Burnham's Field for a distance of thirty-six (36) feet in a southerly direction.

Allen Street, westerly side in the turn-around area abutting Burnham's Field.

Allen Street, northerly side where it abuts Burnham's Field for its entire length.

Alper Road, westerly side, beginning at its intersection with Main Street for a distance of 160 feet in a northerly direction.

Alper Road, southerly side, beginning at a point from its intersection with itself, for a distance of 58 feet in a westerly direction and at its intersection with itself for a distance of 75 feet in an easterly direction.

Angle Street, both sides, from its intersection with Middle Street to its intersection with Western Avenue (with the exception of an area on the southerly side which allows 10-minute parking).

Arlington Street, southwesterly side, for its entire length.

Atlantic Road.

Bass Avenue, northerly side, from a point three hundred (300) feet distant from the easterly boundary of Brightside Avenue Extended, to the easterly boundary of Nautilus Road.

Bass Avenue, southerly side, from a point four hundred fifty (450) feet distant from the easterly boundary of Brightside Avenue Extended to the westerly boundary of Nautilus Road.

Bass Rocks Road, from its intersection with Nautilus Road to its intersection with Atlantic Road, both sides from May 1 to September 15, annually.

Beach Court, starting at #10, both sides, in a southwesterly direction to the beach for approximately 44 feet.

Beach district: No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park at any time on any of the ways or parts of ways hereinafter described:

Atlantic Street.

Good Harbor Beach parking area, from 8:30 p.m. to 6:00 a.m.

Hough Avenue.

Wingaersheek parking area, from 8:30 p.m. to 6:00 a.m.

Beach Road, both sides, from its intersection with Brightside Avenue to its intersection with Nautilus Road.

Blynman Avenue, both sides from Lincoln Avenue to the high school yard from 7:30 a.m. to 2:30 p.m. Mondays through Fridays during the school year.

Bray Street, from a point 50 feet north of Atlantic Street on the easterly side to its intersection with Concord Street and on the westerly side for its entire length.

Bridgewater Street, southerly side, from the intersection of Leonard Street, east, to the bridge.

Brightside Avenue, westerly or even numbered side, for distance of 140 feet from its intersection with Bass Avenue in a northerly direction. (Ord. 02-59, May 28, 2002)

Brightside Avenue, westerly or even numbered side, from a distance of 486 feet from its intersection with Bass Avenue in a northerly direction for a distance of 238 feet.

(Ord. 02-59, May 28, 2002)

Brightside Avenue, westerly or even numbered side, from its intersection with Hinckley Road for a distance of 395 feet in a northerly direction. (Ord. 02-59, May 28, 2002)

Brightside Avenue, easterly or odd numbered side, from its intersection with Bass Avenue, in a northerly direction, for its entire length. (Ord. 02-62, 05/28/2002)

Cedarwood Road, Saturdays, Sundays and holidays from 9:00 a.m. to 4:00 p.m. during the period of May 15 to September 15 annually.

Centennial Avenue, westerly side, from its intersection with Harvard Street for a distance of approximately 75 feet in the area of the existing "No Parking" zone in a northerly direction.

Clarendon Street, for its entire length, on the even numbered side. (Ord. 02-56, 11/12/2002)(Ord. 03-17 Delete 4/29/2003)

Clarendon Street, even side of street, from Terrace Lane to Horton Street. (Ord. #03-17, 4/29/2003)

Clarendon Street, odd side of street, from Horton Street down to Terrace Lane. (Ord. 03-20, 4/29/2003)

Commercial Street, northerly side, beginning at a point 570 feet from its intersection with Washington Street, for a distance of 185 feet in an easterly direction.

Commercial Street, southerly side, from a point at its intersection with Fort Square, in an easterly, southerly, and westerly direction for a distance of 335 feet.

Commercial Street, northerly side, beginning at St. Peter's Park in a southerly direction for a distance of 1000 feet.

Decatur Street, both sides from its intersection with Brightside Avenue to its intersection with Beach Road. (Ord. 01-35 9/18/2001)

Derby Street, northerly side, for a distance of 100 feet from its intersection with Maplewood Avenue, and beginning at a point across from its intersection with Myrtle Square to Washington Street.

Duncan Street, southerly side from a point of 165 feet from Railway Avenue to a point 187 feet west of Railway Avenue. (Ord. 04-19 DELETE 8/24/04)

Duncan Street, westerly side beginning at its intersection with Main Street for a distance of 55 feet in a southerly direction. (Ord. 04-19 8/24/04)

East Main Street, westerly side, from its intersection with the northern end of Parker Street in a southerly direction to its intersection with Wall Street. (Ord. 02-35, 9/24/2002)

East Main Street, easterly side, from its intersection with Bass Avenue in a southerly direction to its intersection with Sayward Street. (Ord. 02-35, 9/24/2002)

East Main Street, on water side, from the beginning of city property at the corner of the pumping station for a distance of approximately eighty-six (86) feet in the direction of Rocky Neck to the loading door in front of number 233 East Main Street.

Eastern Avenue, southerly side, from Hartz Street, westerly for a distance of forty (40) feet.

Eastern Point Road, from Rocky Neck Avenue to Eastern Point Boulevard.

Eastern Point Road, westerly side, from its intersection with Locust Lane, in a northerly direction, to the northwest corner of Niles Beach.

Eastern Point Road, westerly side, from the beginning of the white fence at Flat Wonson Cove (near pole #2651) to the end of the white fence (near pole #2648) approximately two hundred twenty (220) feet in a southerly direction.

Fair Street, No Parking/Tow Away Zone, in front of #7 and #9, Fair Street.

Fair Street, easterly side, from its intersection with Friend Street, to its intersection with Eastern Avenue.

Farrington Avenue, both sides, from a point one hundred (100) yards easterly from St. Louis Avenue, on Saturdays, Sundays and holidays.

Farrington Avenue, north side from St. Louis Avenue to Eastern Point Boulevard on Saturdays, Sundays and holidays.

Fenley Road, Saturdays, Sundays and holidays from 9:00 a.m. to 4:00 p.m. during the period of May 15 to September 15 annually.

Ferry Street, 20 feet from its intersection with Washington Street, on both the northerly and southerly sides, to Sunset Hill Road.

Forest Lane, for its entire length.

Fort Square, both sides, from its intersection with Commercial Street in a southerly direction for a distance of 50 feet.

Fort Square, beginning at a point from its intersection with Commercial Street, northerly side, for a distance of 57 feet.

Fort Square, beginning at a point 41.5 feet from the southeast corner of the Fort Square Playground, southerly side of Fort Square, for a distance of 500 feet in an easterly direction.

Friend Street, northerly side, from Prospect Street to Bent Street.

Goose Cove Reservoir at Fire Gate at end of Gee Avenue 9:00 p.m. to 6:00 a.m.

Grapevine Road, even numbered side, from its intersection with Eastern Point Road for a distance of 58 feet. (Ord. 03-16, 4/15/2003)

Green Street, southwesterly side beginning at its intersection with Perkins Street in a northwesterly direction for a distance of thirty (30) feet.

Green Street, northeasterly side, beginning at its intersection with Perkins Street in a northwesterly direction for a distance of forty-five (45) feet.

Green Street, southwesterly side, beginning at a point one hundred sixty-three (163) feet from its intersection with Perkins in a northwesterly direction thence in a northwesterly direction for a distance of ninety (90) feet.

Green Street, northeasterly side, beginning at a point one hundred sixty-three (163) feet from its intersection with Perkins Street, in a northwesterly direction thence in a northeasterly direction for a distance of fifty (50) feet.

Harbor Road, at Bass Rocks, both sides, from Nautilus Road to Atlantic Road.

Haven Terrace, west side, north one hundred seventy (170) feet from the intersection of Haven Terrace and Main Street along and in front of [numbers] 4, 6, 8, and 10 Haven Terrace to the corner.

Haven Terrace, east side, proceeding north sixty (60) feet from the intersection of Haven Terrace with Main Street to utility pole #5610.

Haven Terrace, east side, proceeding north twenty-five (25) feet from the north side to the entrance of the parking lot to the corner, and then east twenty-five (25) feet to the Handicapped Ramp leading to Unit #11.

Herrick Court, both sides, beginning at its intersection with Main Street, north for a distance of 100 feet.

Hesperus Avenue, southerly side, beginning at a point from its intersection with Shore Road, for a distance of 250 feet in an easterly direction.

Hesperus Avenue, at Rafe's Chasm:

(1) Southerly side, beginning at a point 515 feet from its intersection with Ocean Highlands, in a westerly direction, for a distance of 400 feet to its intersection with Strawberry Cove.

(2) Northerly side, from a point opposite its intersection with Ocean Highlands, for a distance of 900 feet in a westerly direction, opposite Strawberry Cove.

(3) Southerly side, from its intersection with Ocean Highlands, in a westerly direction, for a distance of 420 feet.

(4) Tow-away zone from 5:00 p.m. to 9:00 a.m. each day; southerly side, beginning at a point 420 feet from its intersection with Ocean Highlands, in a westerly direction for a distance of 95 feet. Ord. 02-43 Deleted 9/24/2002)

(4) Tow-away zone from 9:00 p.m. to 9:00 a.m. each day; southerly side, beginning at a point 420 feet from its intersection with Ocean Highlands, in a westerly direction for a distance of 95 feet. (Ord. 02-43 9/24/2002)

Hickory Street, both sides, beginning at a point 100 feet from its intersection with Sawyer Avenue for a distance of 260 feet in a southerly direction.

High Popples Road, both sides, from its intersection at Atlantic Road in a westerly direction for a distance of 225 feet. (Ord. 03-06, 01/21/2003)

High Rock Terrace, northerly side from Utility Pole #52 to intersection with Twilight Avenue (previously referred to as Long Beach Road) from May 15 to September 15 of each year and that signs be erected in accordance with Sections 22-242 (Parking Prohibitions; Towing; Immobilization; Signs).

Holly Street, northerly side, beginning at a point from its intersection with Washington Street for a distance of 200 feet in an easterly direction.

Langsford Street, both sides, from its intersection with Andrews Street for a distance of 825 feet in an easterly direction.

Ledge Road, on the northerly side in an easterly direction from its intersection with East Main Street for a distance of two hundred ninety-six (296) feet.

Leighton Court (off Addison Street), both sides.

Leonard Street, northerly side from its intersection with Rogers Lane in an easterly direction for forty (40) feet.

Lewis Court, both sides for its entire length. (Ord. 02-40, 9/24/2002)

Locust Grove Cemetery, entire cemetery.

Loma Drive, both sides, between the hours of 9:00 a.m. to 4:00 p.m. from May 1 to September 15 of each year.

Long Wharf (off Atlantic Street), both sides and the entire area of the Causeway, from 9:00 a.m. to 4:00 p.m. Saturdays, Sundays, and Holidays, from May 15 to September 15 annually.

Magnolia Avenue, southerly side, from its intersection with Western Avenue to its intersection with Long Hill Road.

Main Street, northerly side, from a point at its intersection with Center Street in an easterly direction for a distance of 105 feet.

Mansfield Street, both sides from its intersection with Western Avenue to the end of the private section at numbers 31 and 34.

Maplewood Avenue, easterly side, 75 feet from its intersection with Prospect Street in a northerly direction for a distance of approximately 100 feet in a northerly direction. (Ord. 01-02 01/16/2001)

Marina Drive, southwest side (even numbers) from corner of Puerto Drive and Marina Drive to property line between numbers 10 and 12; and northeast side (odd numbers) from Thatcher Road to Eastern Avenue, Saturdays, Sundays and Holidays from 9:00 a.m. to 4:00 p.m. from May 1 to September 15 of each year.

Middle Street (Legion Plaza), beginning at a point on Middle Street at the intersection with the easterly side of the way that goes in back of the Legion Building for a distance of fifty-six (56) feet as the curve goes, then easterly for a distance of ten (10) feet.

Middle Street (Legion Plaza), beginning at its intersection with Washington Street in a westerly direction for a distance of ten (10) feet.

Mt. Pleasant Avenue, southerly side, beginning at a point 131 feet from its intersection with Gerring Road for a distance of 151 feet in a westerly direction, and on the northerly side, beginning at a point 65 feet from its intersection with Marble Street, for a distance of 158 feet in a westerly direction.

Naomi Drive.

Nautilus Road, both sides, for its entire length.

Parker Street, westerly side, beginning at the entrance to the State Fish Pier, in a southerly direction for a distance of twenty (20) feet.

Parker Street, easterly side beginning at a point ninety-nine (99) feet from its intersection with Wall Street in a northerly thence northeasterly direction for a distance of sixty-seven (67) feet. (This being the area in front of the sewer pumping station.)

Perkins Street, 40 feet from storm drain (across from fire hydrant) in a southerly direction. (Ord. 01-34 9/18/2001)

Prospect Square, southerly side (right side) beginning at a point two hundred sixty-six (266) feet from its intersection with Prospect Street for a distance of fifty-four (54) feet.

Prospect Square, southerly side (right side) beginning at a point three hundred seventy-eight (378) feet from its intersection with Prospect Street for a distance of sixty (60) feet in an easterly direction.

Prospect Square, westerly side (right side) beginning at a point 198 feet from its intersection with Prospect Street in a southerly direction for a distance of 20 feet. (Ord. 02-27, 6/25/2002)

Prospect Square, westerly side (right side) beginning at a point 228 feet from its intersection with Prospect Street in a southerly direction for a distance of 20 feet. (Ord. 02-27, 6/25/2002)

Prospect Street, westerly side, beginning at its intersection with Spring Street, in a northerly direction for a distance of two hundred (200) feet.

Prospect Street (vicinity of city armory), southerly side, from its intersection with Chestnut Street to its intersection with Prospect Square.

(Prospect Street, across from the Curtis Clark Building on northern side, from west side of parking lot curb to beginning of crosswalk (thirty-two (32) feet). Ord. 01-07 Deleted 3/13/2001).

Prospect Street, northerly side, beginning 80 feet from its intersection with Allen Street in a westerly direction for a distance of 32 feet. (Ord. 01-07 03/13/2001)

Public landings, a twelve-foot lane at the center of each landing recognized by the public landings advisory committee.

Puerto Drive, both sides, daily from 9:00 a.m. to 4:00 p.m. from May 1 to September 15 of each year.

Quarry Street (Bay View), both sides, beginning at a point from the private gate for a distance of 200 feet from such gate in a westerly direction.

Railroad Avenue, southerly side, beginning at a point from its intersection with Washington Street, for a distance of 66 feet in an easterly direction.

River Road, easterly side from Bridgewater Street to and including number 29 River Road.

River Road, northerly side from a point opposite the store of Chard and Wilkerson, westerly to Leonard Street, except for the space in front of properties numbered 32, 34, and 36 River Road.

Riverside Avenue, westerly end, southerly side from a point where the curb begins for forty-five (45) feet in an easterly direction.

Rio Drive, both sides, daily from 9:00 a.m. to 4:00 p.m. from May 1 to September 15 of each year.

Rocky Neck Avenue, between signs in the area of Bickford Way.

Rocky Neck Avenue, northerly side, beginning at a point from its intersection with East Main Street for a distance of 35 feet in a westerly direction.

Rocky Neck Avenue, southerly side, beginning at a point from its intersection with Eastern Point Road for a distance of 35 feet in a westerly direction.

Rocky Neck Avenue, within twenty (20) feet of the intersection.

Rocky Neck Avenue, southerly side in an easterly direction from its intersection with Bickford's Way to its intersection with East Main Street. (Ord. 01-15 5/8/2001)

Rocky Pasture Road, westerly side, from its intersection with Mount Pleasant Avenue for a distance of three hundred fifty (350) feet, except during funeral services.

Street, southerly side, the existing 3-space CATA bus stop in front of the parcels known as I-4 C-2 beginning at a point 26 feet from its entrance to the Gloucester House Restaurant for a distance of 118 feet in an easterly direction.

Rogers Street, southerly side, from a point 80 feet from its intersection with Duncan Street, for a distance of 20 feet in an easterly direction.

Salt Island Road (beginning after #5), from Witham Street to Barberry Way both sides, for a distance of approximately six hundred (600) feet or for the entire public portion of the roadway. (#1 through #5 Salt Island Road are excluded.)

Salt Island Road, both sides, from Witham Street to Barberry Way.

Salt Island Road, both sides, on Saturdays, Sundays and holidays, excepting on the northerly side from a point fifteen (15) feet from the corner of such road and Witham Street, easterly a distance of approximately thirty-five (35) feet to a boulder extending into Salt Island Road.

Seaside Cemetery, entire cemetery.

Shore Road, both sides, at its intersection with Fuller Street for a distance of 530 feet in a northerly direction.

Shore Road, both sides, beginning at a point from the southerly end of the Town Landing Parking Lot for a distance of 142 feet in a southerly direction.

Souther Road, both sides starting 20 feet from its intersection with Atlantic Road in a southerly direction to a point 20 feet south of its intersection with Tragibigzanda Road.

Spring Street, southerly side, from its intersection with Prospect Street in a westerly direction for a distance of 40 feet. (Ord. 04-18 08/24/04)

St. Peter's Park, the lane located at the easterly side of the Seafarers' International Building.

Stanwood Terrace, westerly side, from approximately fifty-five (55) feet from the beginning of Stanwood Terrace for a distance of seventy-two (72) feet in a northerly direction.

Staten Street, both sides, beginning from a point 197 feet north of its intersection with Taylor Street for a distance of 95 feet.

Staten Street, both sides for its entire length.

Steven's Lane, both sides for its entire length.

Stewart Avenue, for its entire length on both sides.

Sumac Lane, within twenty (20) feet of the intersection.

Summer Street, easterly side, between Beacon and Foster Streets.

Thatcher Road, easterly side, between numbers 15 and 33.

Thatcher Road, both sides from Witham Street to Long Beach Road.

Thatcher Road, both sides, from its intersection with Witham Street to its intersection with Bass Avenue with the following exception: At a point one hundred sixty-five (165) feet south of its intersection with Marina Drive in a northerly direction for a distance of eight hundred (800) feet.

Warner Street, easterly side from its intersection with Prospect Street for a distance of 78 feet.

Washington Square, easterly side for a distance of ninety (90) feet from the point where Washington Square turns ninety (90) degrees in a northerly direction.

Washington Square, southerly side, beginning at a point in line with the westerly corner of #18 (as defined on Assessor's Map 6 Lot 46) to its intersection with Washington Street.

Washington Street, both sides, from Langsford Street to the Rockport Line.

Washington Street, easterly side at a point 90 feet from its intersection with Middle Street for a distance of 20 feet in a southerly direction.

Washington Street, Folly Cove Beach, between Poles #356 and 357--Eight (8) parking spaces.

Washington Street, westerly side, from a point 200 feet from its intersection with Mansfield Street for a distance of 200 feet in a southerly direction.

Washington Street, easterly side, beginning at its intersection with Hillside Court in a northerly direction to a point thirty (30) feet north of its intersection with Linwood Place.

Washington Street, easterly side, beginning at a point four hundred thirty (430) feet north of its intersection with Linwood Place in a northerly direction to its intersection with Young Avenue.

Washington Street, westerly side, beginning at a point opposite its intersection with Young Avenue for a distance of six hundred fifty-two (652) feet in a southerly direction.

Washington Street, westerly side, beginning at a point six hundred fifty-two (652) feet from its intersection with Young Avenue for a distance of five hundred eight (508) feet in a southerly direction, except for church service attendance.

Washington Street, westerly side, beginning at a point one thousand one hundred sixty (1,160) feet opposite its intersection with Young Avenue for a distance of one hundred eighty-two (182) feet in a southerly direction.

Washington Street, westerly side beginning at the southerly end of Plum Cove Beach to its intersection with Plum Court.

Webster Street, easterly side, from its intersection with Eastern Avenue, in a northerly direction for a distance of 650 feet.

Western Avenue, at the nubbin in front of the Fisherman's Memorial.

Western Avenue, on the water side, beginning at the crosswalk of the public landing for a distance of 61 feet in an easterly direction. (Ord 05-04 DELETED 2/1/05)

Western Avenue, southerly side (water side) beginning 33 feet from the crosswalk at the public landing in an easterly direction and continuing for a distance of 114 feet in an easterly direction. (Ord 05-04 2/1/05)

Wheeler Street, westerly side, from its intersection with Riverside Road in a southerly direction for a distance of 525 feet.

Williams Court, the northerly side for 73 feet in an easterly direction to its intersection with Hartz Street.

Williams Court, southerly side, beginning at the east corner of Marion Way and in an easterly direction for 73 feet to its intersection with Hartz Street.

Willow Street, on the easterly side, from Shepherd Street to the railroad tracks.

Witham Street, westerly side, from its intersection with Thatcher Road to the "Leased Parking Area."

Witham Street, easterly side, from its intersection with Thatcher Road in a southerly direction to its intersection with Salt Island Road.

Witham Street, westerly side, beginning at a point one hundred three (103) feet from its intersection with Thatcher Road for a distance of three hundred (300) feet from 8:30 p.m. to 6:00 a.m. from May 1 to September 15 of each year.

Witham Street, westerly side, from Starknaught Heights to Thatcher Road.

Witham Street and Cliff Road, at the intersection, six hundred forty (640) feet on Cliff Road in an easterly direction where the road intersects with Brier Neck Road on the northerly and southerly side.

Woodbury Street, both sides, beginning at its intersection with Washington Street and Mason Square for a distance of 60 feet in a southerly direction.

(Code 1970, § 21-196; Ord. of 10-25-77, § 1; Ord. of 5-16-78, § 1; Ord. of 5-8-79, § I; Ord. of 6-5-79, § I; Ord. of 7-10-79, § I; Ord. of 5-18-80, § I; Ord. of 7-1-80, § I; Ord. of 10-7-80, § I; Ord. of 12-16-80, § I; Ord. of 8-18-81, § I; Ord. of 10-13-81, § I; Ord. of 12-8-81, § I; Ord. of 2-23-82, § I; Ord. of 3-23-82, § I; Ord. of 4-13-82, § I; Ord. of 5-18-82, § 1; Ord. of 5-25-82, § I; Ord. of 6-15-82, § I; Ord. of 9-7-82, § I; Ord. of 11-30-82, § I; Ord. of 2-15-83, § I; Ord. of 8-2-83, § I; Ord. of 8-9-83, § I; Ord. of 11-29-83, § I; Ord. of 12-20-83, § I; Ord. of 2-14-84, § I; Ord. of 8-13-85, § I; Ord. of 10-22-85, § I; Ord. of 2-4-86, § I; Ord. of 3-4-86, § I; Ord. of 1-6-87, § I; Ord. of 6-9-87, § I; Ord. of 1-19-88, § II; Ord. of 1-19-88, § I; Ord. of 2-2-88, § I; Ord. of 4-5-88, § I; Ord. of 6-7-88, § I; Ord. of 8-9-88, § I; Ord. of 8-16-88, § I; Ord. of 11-29-88, § I; Ord. of 1-10-89, § I; Ord. No. 26-1990, § I, 11-20-90; Ord. No. 10-1992, § I, 3-24-92; Ord. No. 13-1992, § I, 5-5-92; Ord. No. 3-1994, § I, 4-5-94; Ord. No. 9-1994, § I, 7-26-94; Ord. No. 19-1994, § I, 10-4-94; Ord. No. 9-1995, § I, 1-10-95; Ord. No. 23-1995, § II, 3-21-95; Ord. No. 39-1995, § II, 9-26-95; Ord. No. 2-1996, § I, 2-20-96; Ord. No. 29-1996, § I, 7-23-96; Ord. No. 36-1996, § I, 9-3-96; Ord. No. 46-1996, § I, 10-15-96; Ord. No. 38-1997, § I, 4-29-97; Ord. No. 52-1997, § I, 7-22-97; Ord. No. 58-1997, § I, 8-5-97; Ord. No. 64-1997, § I, 10-14-97; Ord. No. 66-1997, § I, 10-28-97; Ord. No. 69-1997, § I, 10-28-97; Ord. No. 70-1997, § I, 10-28-97; Ord. No. 73-1997, § I, 12-9-97; Ord. No. 106-1998, § I, 7-28-98; Ord. No. 108-1998, § I, 8-3-98; Ord. No. 110-1998, § I, 8-3-98; Ord. No. 119-1998, § I, 9-1-98; Ord. No. 126-1998, § I, 9-29-98; Ord. No. 131-1998, § I, 11-10-98; Ord. No. 136-1999, § I, 1-19-99; Ord. No. 138-1999, § I, 1-19-99; Ord. No. 140-1999, § I, 1-19-99; Ord. No. 143-1999, § I, 1-19-99; Ord. No. 4-1999, § I, 6-22-99; Ord. No. 11-1999, § I, 7-20-99; Ord. No. 12-1999, § I, 7-20-99; Ord. No. 17-1999, § I, 8-10-99; Ord. No. 27-1999, § I, 10-26-99; Ord. No. 34-1999, § I, 10-26-99; Ord. No. 35-1999, § I, 10-26-99; Ord. 39-1999, § I, 10-26-99; Ord. No. 42-1999, § I, 11-9-99; Ord. No. 58-2000, § I, 3-28-00; Ord. No. 65-2000, § I, 6-20-00; Ord. No. 69-2000, § I, 6-27-00; Ord. No. 81-2000, § I, 8-1-00; Ord. No. 92-2000, § I, 9-26-00; Ord. No. 104-2000, § I, 11-28-00; Ord. No. 106-2000, § I, 11-28-00; Ord. No. 108-2000, § I, 11-28-00; Ord. No. 114-2000, § I, 12-12-00)

Sec. 22-292. Fire lanes.

[The following fire lanes are hereby established:]

Beach Court, starting at #10, both sides, in a southwesterly direction to the beach for approximately 44 feet.

Beachland Avenue, starting on the northeasterly side from its intersection with Old Rockport Road to the Rockport Line for a distance of 434 feet.

Decatur Street, both sides from its intersection with Brightside Avenue in a westerly direction for a distance of 400 feet.

Decatur Street, both sides from its intersection with Brightside Avenue to its intersection with Beach Road. (Ord. 01-36 9/18/2001)

Folly Point Road, both sides, for a distance of 630 feet from its intersection with Washington Street.

Forest Lane, for its entire length.

Franklin Square, westerly side beginning at its intersection with Prospect Street for a distance of 170 feet in a southerly direction.

Franklin Square, northerly side, beginning at its intersection with Pleasant Street to the northwest corner (inside corner) of Franklin Square.

Franklin Square, beginning at its intersection with Pleasant Street on the southerly side for a distance of 180 feet.

Franklin Square, easterly side, beginning at a point 73 feet from its intersection with Prospect Street, in a southerly direction, to the northwest corner (inside corner) of Franklin Square.

Haven Terrace, west side, north one hundred seventy (170) feet from the intersection of Haven Terrace and Main Street along and in front of [numbers] 4, 6, 8, and 10 Haven Terrace to the corner.

Haven Terrace, east side, proceeding north sixty (60) feet from the intersection of Haven Terrace with Main Street to utility pole #5610.

Haven Terrace, east side, proceeding north twenty-five (25) feet from the north side to the entrance of the parking lot to the corner, and then east twenty-five (25) feet to the Handicapped Ramp leading to Unit #11.

Horton Street, both sides from Lot #21 in a southwesterly direction to the dead end gate at the entrance to Rule Industries.

Ledge Road, on the northerly side in an easterly direction from its intersection with East Main Street for a distance of two hundred ninety-six (296) feet.

Lewis Court, both sides for its entire length. (Ord. 02-39, 9/24/2002)

Mansfield Street, both sides from its intersection with Western Avenue to the end of the private section at numbers 31 and 34.

Mason Square, between Woodbury Street and Washington Street. *Munsey Lane*, for its entire length.

Parker Court, for its entire length.

Rackliffe Street, easterly side for 40 feet in a northerly direction from the intersection with Fremont and 139 feet in a southerly direction from its intersection with Wonson Street.

Rackliffe Street, westerly side for 144 feet in a northerly direction from its intersection with Fremont Street.

Rackliffe Street, westerly side from its intersection with Fremont Street in a southerly direction for its entire length to dead end.

Rocky Neck Avenue Extension and Highland Place.

Sadler Street, on Sadler Street Extension, southerly side, from Webster Street for a distance of 212 feet.

Shapley Road, northerly side from its intersection with Decatur Street for its entire length.

Souther Road, both sides, beginning at a point 20 feet south of Tragibigzanda to its intersection with Moorland Road.

Squam Rock Road, both sides, parking prohibited.

Stanwood Terrace, westerly side, from approximately fifty-five (55) feet from the beginning of Stanwood Terrace for a distance of seventy-two (72) feet in a northerly direction.

Stewart Avenue, for its entire length on both sides.

Wall Street, northerly side beginning at a point 140 feet from its intersection with Parker Street for a distance of 60 feet in an easterly direction.

Wiley Street, easterly side, entire length.

Wiley Street, westerly side 88 feet from its intersection with Fremont Street.

(Ord. of 7-10-79, § I; Ord. of 12-17-85, § I; Ord. of 4-1-86, § I; Ord. of 12-22-87, § II; Ord. of 8-9-88, § I; Ord. of 9-6-88, § I; Ord. of 9-13-88, § I; Ord. of 12-19-89, § I; Ord. No. 13-1991, § I, 4-16-91; Ord. No. 10-1992, § I, 3-24-92; Ord. of 5-3-94, § I; Ord. No. 9-1995, § II, 1-10-95; Ord. No. 43-1995, § I, 10-30-95; Ord. No. 39-1996, § I, 10-1-96; Ord. No. 40-1996, § I, 10-1-96; Ord. No. 50-1996, § I, 10-29-96; Ord. No. 5-1997, § I, 1-14-97; Ord. No. 51-1997, § I, 7-22-97; Ord. No. 59-1997, § I, 8-5-97; Ord. No. 74-1997, § I, 12-9-97; Ord. No. 125-1998, § I, 9-29-98; Ord. No. 141-1999, § I, 1-19-99; Ord. No. 11-1999, § I, 8-20-99; Ord. No. 59-2000, § I, 3-28-00; Ord. No. 91-2000, § I, 9-26-00)

Editor's note--Provisions regarding the designation of fire lanes, enacted by ordinances amending § 22-152, have been included herein at the discretion of the editor as § 22-292.

Cross reference(s)--Leaving vehicle unattended on private ways so as to block access for fire apparatus, § 22-152.

Chapter 23 UTILITIES*

***Cross reference(s)**--Buildings and building regulations, Ch. 5.

ARTICLE I. IN GENERAL

Secs. 23-1--23-14. Reserved.

ARTICLE II. SEWERS*

***Cross reference(s)**--Buildings and building regulations, Ch. 5; discharge of water or other liquid on sidewalks, § 21-10.

State law reference(s)--Municipal authority to regulate sewers, M.C.L.A. c. 40, §§ 5, 6; sewers generally, M.G.L.A. c. 83.

DIVISION 1. GENERALLY

Sec. 23-15. Assessments.

(a) Every person owning land abutting upon any way in which a main or common sewer has been laid out, and who enters or has entered his particular drain into such main drain or common sewer, or who by more remote means receives benefit thereby for draining his land or buildings, shall be assessed under the provisions of M.G.L.A. c. 83, § 14. The director of public works or the designee or designees of the director shall have the power as set forth in M.G.L.A. c. 83, § 15, when ascertaining assessments as a betterment for construction, to apply a rate based upon a uniform unit method. A uniform unit method shall be based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served after having proportioned the cost of special and general benefit facilities as provided in section 23-24(a).

(b) Assessments under this section shall be ascertained, assessed, certified and committed to the city treasurer by the director of public works or the designee or designees of the director. Such assessments may be made for all sewers, lateral sewers, pump stations and appurtenant works. Sewer betterment assessments and any sewer betterment policies which are adopted by the city council under M.G.L. c. 80 and M.G.L. c. 83 for particular public sewer construction projects shall follow the procedures set out in section 23-24.

(Code 1970, § 18-1; Ord. No. 9-1992, 3-3-92; Ord. No. 42-1997, 6-10-97; Ord. No. 20-1999, § I, 8-10-99)

Sec. 23-16. Laying out and payment for particular sewers connecting with common sewer or main drain and sewer privilege fee.

(a) Whenever, in the course of a sewer extension by the city, any land is connected with a common sewer or main drain laid out by the department of public works in a public or private way, the department shall, at the expense of the city, lay and maintain the particular sewer providing such connection from the common sewer or main drain to the boundary of the way, except in certain cases where a pump is necessary to tie in the property. If, at the time of construction by the city of a sewer extension, it is determined that a grinder pump or other such device will be required, pursuant to M.G.L. c. 83, § 15, in order to connect any existing building to the sewer, the city shall install and maintain the pump, force main and appurtenances. If the city sewer construction involves Septic Tank Effluent Pump (S.T.E.P.) sewers, the department shall, at the expense of the city, install and maintain the S.T.E.P. sewer components on the private properties which have habitable dwellings. The property owner may elect to install and/or maintain the grinder pump or other pump and the S.T.E.P. components by means of a private contractor as provided in the city sewer regulations. The city will not provide pumping systems or S.T.E.P. components for properties that are

vacant or have structures which are uninhabitable at the time of the construction by the city of the sewer extension. Installation and maintenance of any pumps, tanks, and appurtenances as may be necessary for tying in residential, commercial or industrial properties developed subsequent to the construction by the city of a sewer extension will be the responsibility, of the private property owner.

(b) The owner of any land benefitted by the layout out of a particular sewer from the common sewer to the boundary of the way shall pay to the city for the permanent privilege of using the same, such reasonable amount as the director of public works may determine, under the provisions of M.G.L. A. c. 83, § 24, and the amount so determined shall be assessed, certified and committed to the city treasurer by the director of public works.

(c) Notwithstanding the provisions of section 23-15 and 23-16(a) and (b), the owner(s) of a subdivision which pursuant to the regulations of the planning board sections 4.4.2(c) or 4.4. 1 (b) who has/have been required to construct a sanitary sewer, shall not be assessed a sewer betterment fee but shall be assessed a sewer privilege fee on a per lot basis in lieu of a betterment. Such fee shall be assessed at the time of the subdivision dry sewer is connected to the main sewer and may be subject to apportionment. In addition, regardless of whether or not a subdivision is involved, any applicant for a sewer extension permit shall at, the time such sewer extension is completed pay such privilege fee. The fee shall be determined by the director or the director's designee(s) and shall not exceed forty (40) percent of betterment for the most recent city sewer project.

(Code 1970, § 18-2; Ord. No. 9-1992, 3-3-92; Ord. No. 28-1992, § 3, 10-13-92; Ord. No. 42-1997, 6-10-97; Ord. No. 20-1999, § 1, 8-10-99)

Sec. 23-17. Disposition of receipts from assessments.

(a) The receipts from assessments for particular sewers shall be applied to the payment of the cost of particular sewers.

(b) The receipts from assessments and charges under section 23-15 shall be applied to the payment of interest upon bonds or notes issued for sewer purposes and to the payment or redemption of such bonds or notes.

(Code 1970, § 18-3)

Sec. 23-18. Plans of sewerage system

The location of all sewers and drains and other structures and works used in connection therewith, which constitute part of the system or systems of sewerage or sewage disposal laid out or constructed by the department of public works, shall be shown on plans on file at all times with the department of public works, and a duplicate of the plans shall be filed by the department with the city engineer. Both sets of plans shall be open to inspection by the citizens of the city.

(Code 1970, § 18-4)

State law reference(s)--Similar provisions, M.G.L.A. c. 83, § 2.

Sec. 23-19. Charges for use of common sewers.

(a) Every person who enters his particular sewer, directly or indirectly, into a common sewer laid out by the department of public works shall pay an annual charge for the use of the common sewers, under the provisions of M.G.L.A. c. 83, § 16. Such charges shall be based on rates established by the director of public works, and the charges on each person in accordance with the rate so established shall be ascertained, assessed, certified and committed to the city treasurer by the director of public works.

(b) Commercial users of the city sewer system using in excess of one million (1,000,000) gallons of water annually are assessed in addition to the charges under subsection (a) the sum of one hundred dollars (\$100.00) for each million gallons of water used annually.

(Code 1970, § 18-5; Ord. of 5-17-77, § 1)

Sec. 23-20. Acceptance of out of town septage prohibited.

Acceptance of septage from out of town in the city's sewer system is prohibited.

(Ord. of 2-7-84, § I)

Sec. 23-21. Form of required notice.

Whenever notice is required of a party to this article, it shall be by certified mail, unless otherwise specified.

(Ord. of 12-7-82, Art. VIII)

Sec. 23-22. Land not built upon; extension of time for assessment.

Any land not built upon at the time of a sewer betterment assessment may upon application of the land owner receive an extension of time for the payment of the assessment until the land is built upon. Interest at the rate of four (4) percent per year shall be paid annually upon the assessment from the time it was made. The assessment shall be paid within three (3) months after such land is built upon.

(Ord. No. 9-1992, 3-3-92; Ord. No. 42-1997, 6-10-97)

Sec. 23-23. Compensatory sewer privileges fee; increase in use of land.

Notwithstanding the other provisions of Chapter 23, Article II, Sewers, if a betterment has: (i) been assessed to a property based upon the estimated number of developable sewer units as required by this article or a sewer betterment policy adopted by the city council and said property is ultimately developed to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, and/or (ii) been assessed to a developed and later in time the use of that parcel is increased to accommodate a number of sewer units in excess of the number estimated for determining the betterment assessment, then the city shall assess a compensatory sewer privilege fee to reflect the increased use. This fee shall be equivalent to the amount which would have been charged as a betterment assessment upon the additional uses or units at the time of the original assessment. Apportionment

of this fee shall be permitted only if specifically requested at the time of assessment and only for a period of ten (10) years or less. Apportioned sewer privilege fees shall bear interest at the same rate charged for the most recent city sewer project betterments.

(Ord. No. 9-1992, 3-3-92; Ord. No. 42-1997, 6-19-97; Ord. No. 20-1999, § 1, 8-10-99)

Sec. 23-24. Sewer betterment assessments.

(a) *General.*

(1) The city, acting through the city council, shall assess the owners of land abutting a sewer line installed by the city, at a rate based upon a uniform unit method as defined by M.G.L. c. 83, § 15. Revenue generated by said betterment assessments shall cover the total project costs as defined herein in section 23-24(b)(1) less a city share equal to twenty-five (25) percent of said total costs up to and not to exceed an amount equal to the value of six thousand dollars (\$6,000.00) per residential dwelling unit. When the sewer construction includes both sewer construction in the street and sewer construction on a private lot (such as S.T.E.P. sewer construction) for purposes of determining the city share:

a. To determine the unsubsidized cost of street work of per residential dwelling unit: divide the total costs for street construction by the number of street units.

b. To determine the unsubsidized cost per unit of on-lot work: divide the total cost of on-lot work by the number of on-lot installation units and the average costs of such on-lot construction for all similarly situated properties in the project to be assessed.

c. Add the unsubsidized costs per residential dwelling unit of street work to the unsubsidized cost per unit of on-lot installation and multiply the sum by twenty-five (25) percent.

d. The city's share of a residential unit will be either the figure resulting from above calculation or six thousand dollars (\$6,000.00) on that individual property whichever is the lesser amount.

(2) On-lot betterments will be assessed:

a. For properties with S.T.E.P. sewers in accordance with the number and size of step tanks installed on the lot with one on-lot betterment assessed for each standard size tank installed on the parcel. On-lot betterments for oversized step tanks will be assessed with an increased betterment in an amount equal to the percentage increase in the size required for the lot; and

b. For grinder pumps or pressure sewer pumps in accordance with the actual project costs of the pumps.

(b) *Method of assessment: uniform unit.*

(1) The City of Gloucester shall assess sewer betterments based upon a uniform unit method. Each unit shall be equal to a single-family

residence. Multiple-family buildings and nonresidential buildings as described herein shall be converted into units on the basis of residential equivalents. The total assessment for a particular sewerage construction project shall not be based on or limited by an estimated betterment. Revenue generated by said betterment assessment shall be equal to or shall cover the total project costs associated with design and construction of the sewers and pumping station, and appurtenant work of both the on-street and on-lot sewer components, less the city share.

(2) The city shall levy assessments against all properties abutting a sewer street after acceptance of the entire pertinent construction contract including finalization of all pertinent contractual documents. The date of acceptance shall be determined by the DPW director. In the order of assessment, the city shall designate the owner of each parcel on the preceding January first as liable for assessment under the provisions of the General Laws.

(3) For assessment purposes, all properties receiving direct benefit from the sewerage system shall be converted into sewer units. Properties receiving direct benefit, either developed or undeveloped, shall be designated a number of sewer units under the following guidelines:

- a. Single-family dwellings shall comprise one (1) sewer unit.
- b. Two-family dwellings shall comprise two (2) sewer units.
- c. Three-family dwellings shall comprise three (3) sewer units.
- d. Four-family dwellings shall comprise four (4) sewer units.

(4) Multiple-family dwellings in excess of four units shall comprise a number of sewer units based on the following methodology:

- a. Rental residential properties such as apartments shall be assessed one sewer unit for each apartment with more than one bedroom. Rental properties shall be assessed one-half (1/2) of one (1) sewer unit for each one-bedroom or studio apartment.
- b. Residential condominium complexes shall be assessed one (1) sewer unit for each dwelling unit.

(5) Subdivisions shall be assessed one (1) sewer unit for each buildable lot except that a subdivision which pursuant to subdivision regulations of the city agreed in the course of subdivision approval to install and by the appropriate assessment date for betterments for a particular public sewer construction project has actually installed a dry system in said subdivision shall not be assessed a sewer betterment fee per lot but shall be assessed a sewer privilege fee as set by the sewer ordinance (section 23-16(c)). Certain lots not involving actual subdivision shall also be assessed as provided in the sewer ordinance (section 23-16(c)).

(6) Non-residential buildings, which shall include all industrial, commercial and municipal properties, shall comprise a number of sewer units based upon water consumption as follows: Non-residential water usage (gpd) = sewer units three hundred (300) gpd (rounded up to the next whole number).

Non-residential buildings not metered for water use shall be assigned a water consumption volume based on Title 5 (Part 2, Section 13) of the State Environment Code of the Commonwealth of Massachusetts, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

(7) When a single structure or building contains a nonresidential use and a residential use and neither use is accessory to the other and the non-residential use does not receive city water service, such mixed use structure shall be charged a betterment only for the residential unit or use. This provision shall not apply in the following zoning districts as defined in the city zoning ordinance: BP, Business Park; GI, General Industrial; MI, Marine Industrial; EB, Extensive Business; and S, Service District.

(8) Undeveloped residential lots shall be converted into dwelling units on the basis of maximum number frontage and area requirements as directed in the zoning ordinance in effect at the time of assessment. Each potential dwelling unit shall then comprise one (1) sewer unit; however, undeveloped lots shall be assessed for only in-street sewer costs and shall not be assessed any on-lot costs. At the time that the lot is built upon, the property owner shall bear the complete costs of installing any necessary on-lot public and private sewer components on their private property pursuant to city sewer regulations.

The owner of an undeveloped lot may apply pursuant to M.C.G.L. c. 83, § 19, to extend the time for payment as provided in the sewer ordinance (section 22-23). In addition, land classified as agricultural, horticultural, recreations, or forest land, upon the application of the owner, may have the betterment assessment suspended for so long as the land is devoted to that use pursuant to M.G.L. c. 61A, § 18, M.G.L. c. 61B, § 13, and M.G.L. c. 61, § 5.

(9) Undeveloped non-residential lots shall be converted into a maximum anticipated water consumption on the basis of the zoning ordinance. An equivalent number of sewer units shall then be determined utilizing the formula described for nonresidential. developed properties (rounded up to the next whole number).

(10) Nothing in this section shall supersede the language of city ordinance section 23-23 concerning a compensatory fee for increase in the use of the land.

(c) *Betterment payment.*

(1) Except as provided herein, the provisions of the General Laws relative to the assessment, apportionment, division reassessment, abatement and collection of sewer assessments shall apply. The tax collector of the City of Gloucester shall have all of the powers conveyed by the General Laws. In accordance with M.G.L. c. 80, § 12, assessments

made shall constitute a lien upon the land assessed until the full balance is paid.

(2) At the time of assessment, a property owner may select a payment schedule over a period of ten (10) years or twenty (20) years or another term of years less than twenty (20) if they so specifically request. Once a selection has been made, the payment method may not be changed at a later date; however, the balance of the principal due on any lien may be paid in full any time.

(3) Upon the transfer of title to a new owner, the seller/transferror shall immediately notify the city treasurer/collector and city assessor. After transfer of title, the betterment lien may be transferred. The betterments may be paid in full to the collector's office without interest or charges within thirty (30) days of the date of assessment.

(4) With regard to apportionment, the interest rate charged by the city shall be the project bond rate paid by the city for the sewer project plus a flat fee of two hundred dollars (\$200.00) as allowed by Acts and Resolves of 1993, Commonwealth of Massachusetts, Chapter 433.

(d) *Abatements and deferrals.*

(1) *Unbuildable lot.*

a. A property owner may request of the building inspector a formal written opinion which declares that under the then current city zoning ordinance, the lot(s) which have been assessed a sewer betterment is not buildable without issuance of one (1) or more variances under the applicable zoning ordinance provisions. This letter must be filed permanently with the building inspector and with the zoning board of appeals. Upon issuance of the opinion, the property owner may then file an application for abatement with the assessing board which shall include a certified copy of the building inspector's opinion and which shall require a notarized statement that the owner and any subsequent purchaser or their assigns or agents shall not apply for a variance to make the lot buildable.

b. A property owner may file a notice of intent to construct a dwelling with the conservation commission for one (1) or more lots which have been assessed a sewer betterment. Following the regular hearing procedures of the conservation commission for any such notice, if the commission issues a formal denial of the notice of intent to construct a dwelling, and if all such documents which are otherwise required by law to be filed with the registry of deeds have been so filed, then the property owner may file with the assessing board an appeal action for abatement so long as the owner did not appeal the denial. The appeal action shall include a certified copy of the denial of the notice of intent to construct a dwelling.

c. All such abatements which are issued by the assessing board under this section 23-24(d)(1) shall also be permanently

filed with the offices of the building inspector and the conservation commission. All applications and orders or opinions issued under this section shall state that the property owner has voluntarily requested that the property be found unbuildable and that the property owner fully understands all consequences stemming from such determination.

(2) *Age and income.*

A property owner may defer the betterment assessment as provided in M.G.L., c. 80, § 13B, which has been accepted by the city, if they are sixty-five (65) years of age or older and qualify under M.G.L., c. 59, § 4, clause 41A. However, the transfer of lien provision, section 23-24(c), betterment payments, shall not apply to deferrals as provided for in this section, in compliance with c. 80, § 13B.

(Ord. No. 42-1999, 6-10-97; Ord. No. 20-1999, § 1, 8-10-99)

Secs. 23-25--23-34. Reserved.

DIVISION 2. USE REGULATIONS

Sec. 23-35. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows: *Act* shall mean Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Average daily flow shall mean the total volume of sewage in gallons measured or estimated at a metering station or other point during a continuous period of thirty (30) days divided by thirty (30) days.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Categorical pretreatment standards means discharge limitations for specific industrial user categories promulgated by the United States Environmental Protection Agency (E.P.A.) under federal law.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Director shall mean the director of public works, or his authorized deputy, agent, or representative.

shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Indirect discharge (or *discharge*) shall mean the introduction of pollutants into the wastewater treatment facility from any nondomestic source regulated under section 307(b), (c) or (d) of the Act.

Industrial user shall mean a source of indirect discharge.

- (1) Significant industrial user shall mean:
 - a. All industrial users subject to categorical pretreatment standards; and
 - b. Any other industrial user that: discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the wastewater treatment facility (excluding sanitary, noncontact cooling water and boiler blowdown wastewater); contributes a process wastewater that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the wastewater treatment plant; or is designated as such by the city on the basis that the industrial user has a reasonable potential for adversely affecting the operation of the wastewater treatment facility, either through pass through of pollutants, sludge contamination or endangerment to workers in the sewers or wastewater treatment facility.
- (2) Major industrial user shall mean:
 - a. Industries not subject to categorical pretreatment standards that discharge between five thousand (5,000) and twenty-five thousand (25,000) gallons per day of process wastewater, with some potential for violation of pretreatment standards or requirements; and
 - b. Any industrial user not subject to categorical pretreatment standards that discharge less than five thousand (5,000) gallons per day and have a history of noncompliance with pretreatment standards and requirements.
- (3) Other industrial user shall mean:
 - a. An industrial user not subject to categorical pretreatment standards that discharges less than five thousand (5,000) gallons per day of process wastewater; and
 - b. An industrial user not subject to categorical pretreatment standards that discharges process wastewater that has no reasonable potential for violation of pretreatment standards or requirements.

The city may at any time, on its own initiative, or in response to a petition received from an industrial user not subject to categorical pretreatment standards, reclassify the industrial user based on changes in the quantity or characteristics of their wastewater discharge and/or their history of compliance with pretreatment requirements.

Industrial wastes shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Interference shall mean an inhibition or disruption of the operation of the sewage work or of the final use or disposal of sludge. Such inhibition or disruption may result in violation of federal laws or more stringent state or local regulations, which protect air, land or water resources. Such laws or regulations may include, but not be limited to the requirements of the National Pollutant Discharge Elimination System (NPDES) permit issued to the city for the operation of the sewage works.

Maximum daily flow shall mean the highest volume in gallons measured at a metering station or other point during any continuous twenty-four (24) hour period.

National pretreatment standard or *pretreatment standard* or *standard* means any regulation containing pollutant discharge limits promulgated by EPA under Sections 307(b) and (c) of the Clean Water Act applicable to industrial users including the general and specific prohibitions found in 40 CFR 403.5 and the National categorical pretreatment standards promulgated by EPA that are set out in 40 CFR Chapter I, Subchapter N, Parts 405--471.

Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

New Source shall mean:

(1) Any building structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated into the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (1) above, but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

a. Begun, or caused to begin as part of a continuous onsite construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

NPDES permit shall mean a permit issued to the city's wastewater treatment facility pursuant to section 402 of the Act.

Pass through shall mean a discharge which exits the city's wastewater treatment facility into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Pretreatment requirement is any substantive or procedural requirement, other than a national pretreatment standard, applicable to industrial users.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sewage shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewage treatment plant or wastewater treatment facility shall mean any arrangement of devices and structures used for treating sewage.

Sewerage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Sewer service connection shall mean the extension of the pipe, used only for discharge of sewage, from a point of four (4) feet outside the foundation wall of the building served to its junction with the sanitary or combined sewer. The term shall have the same meaning as the term, "particular sewer" in M.G.L.A. c. 83.

Significant noncompliance (SNC). An industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66) percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violations, defined as those in which thirty-three (33) percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH), or in the case of pH, when at least one-third ($1/3$) of all measurements taken during a six-month period are either:
 - a. At least one (1) standard unit greater than any applicable upper limit on pH; or
 - b. At least one (1) standard unit less than any applicable lower limit on pH. (For industrial users required to continuously monitor pH as a condition of their industrial user discharge permit, significant noncompliance for pH exists if the total of all excursions outside the permitted range with a duration equal to or exceeding thirty (30) minutes, totals seven (7) hours, twenty-six (26) minutes or more in any month.)
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the director determines has caused, alone or in combination with other discharges, interference or pass through;
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the director's exercise of emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in an enforcement order, for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or

(8) Any other violation or group of violations that the director determines will adversely affect the operation or implementation of the pretreatment program.

Slug shall mean any discharge of untreated or inadequately pretreated process wastewater, industrial waste, chemicals or other liquids, resulting from the breakdown of equipment, spills, process upset, accidental or intentional discharge or emergency bypass.

Storm drain, sometimes termed "storm sewer" shall mean a sewer which carries storm and surface waters and drainage, but exclude sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

Water course shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. of 12-7-82, Art. 1; Ord. No. 28-1992, § 1, 10-13-92; Ord. No. 26-1995, § 1, 4-18-95)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 23-36. Building sewers and connections.

(a) *Required connections.* The owners of all houses, buildings or properties used for human occupancy, employment or recreation situated within the city and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the city are hereby required at their own expense to install suitable sanitary plumbing facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article. No property shall be required to connect to a municipal sewer until their on-site system fails to pass an inspection under 310 CMR 15:00 et seq., as amended, and related Board of Health Regulations. Nothing in this ordinance is intended to conflict with any orders pursuant to 310 CMR 15:00 et seq. or any court orders.

Cross reference(s)--Buildings and building regulations, Ch. 5.

State law reference(s)--Municipal authority to require sewer connections, M.G.L.A. c. 83, §§ 10, 11, 310; CMR 15:00 et seq.

(b) *Permit.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the director. Any person proposing any change or a new discharge into the system shall notify the director at least forty-five (45) days prior to the proposed change or connection.

(c) *Classification of permits; fee.* There shall be two (2) classes of building sewer permits:

- (1) For residential and commercial service; and
- (2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the director. A permit and inspection fee of (fifty dollars (\$50.00) Deleted Ord. 01-44 11/13/2001) one hundred (\$100.00) (Ord. 01-44 11/13/2001) for a residential or commercial building sewer permit and one hundred and fifty dollars (\$150.00) for an industrial building sewer permit shall be paid to the city at the time the application is filed. A separate permit application shall be submitted, and a separate permit and inspection fee shall be paid for each separate connection with the city's sanitary sewer system.

(d) *Costs borne by owner.* All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

State law reference(s)--Municipal authority to assess cost of laying out a particular sewer, M.G.L.A. c. 83, § 24.

(e) *Each building served by separate sewer.* A separate and independent building sewer shall be provided for every building; except where a building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

(f) *Use of old building sewer.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the director, to meet all requirements of this article. The director may, at his discretion, require any person desiring to make such use of an old building sewer to submit a permit application and to pay a permit and inspection fee.

(g) *Methods and materials for connections.* Sewer service connections shall be laid at such depth and gradient and in such location as the director may determine. The minimum gradient allowable shall be one quarter inch per foot. No sewer service connection shall service more than one (1) building except by permission of the director. Sewer service connections shall be constructed of first quality vitrified clay, schedule 40 polyvinylchloride or cast iron sewer pipe, and jointed and laid with the standard methods of sewer construction. When completed the inside of a sewer service connection shall be left smooth and clean. No alteration in, or connection with, any service connection shall be made until application is made to and approved by the director.

State law reference(s)--Municipal authority to regulate the construction and alteration of sewer connections, M.G.L.A. c. 83, § 10.

(h) *Construction standards.* The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. AND W.P.C.F. Manual of Practice No. 9 shall apply.

(i) *Elevation of building sewers.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(j) *Illegal connections.* No person shall make connection of roof exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

State law reference(s)--Separate systems for drainage of water and sewage required, M.G.L.A. c. 83, § 5.

(k) *Connection standards; inspections.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the director before installation. All sewer service connections shall be laid under the supervision of an inspector appointed by the director. The owner or his authorized representative shall so arrange his work to require the service of the inspector as short a time as practicable. No trench shall be filled in until the pipe laid therein has been inspected and approved by the inspector.

(l) *Safeguarding excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(m) *Notice for inspections.* The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the director or his representative.

State law reference(s)--Municipal authority to require inspection of all materials used in making sewer connections, M.G.L.A. c. 83, § 10.

(n) *Ownership; responsibility for cost of connections.* Sewer service connections from the sanitary sewer, including combined sewers, to the street side line shall be built only under the direction of the director or designee, and shall be owned, repaired and maintained only by the city, under the direction of the director. Connections from the street side line to a building shall be paid for, owned and maintained by the owner of the property. The director may, at his discretion, require any person owning property so connected to excavate, repair and maintain the privately-owned portion of the connection at his own expense, and to pay to the city those costs incurred by the city in repairing and maintaining the city-owned portion of the connection.

State law reference(s)--Owners of land to pay for actual cost of construction of a particular sewer from the street line to a house or building, M.G.L.A. c. 83, § 3.

(o) *Responsibility for maintenance of connections.* If any sewer service connection becomes obstructed or otherwise fails to function properly, notice

must be given promptly to the director by the owner or his duly authorized agent. Prior to contacting the director, the property owners affected shall be responsible to determine that the obstruction is not on their property. The director shall report the nature and location of the obstruction found, the repairs affected and the costs of such repairs to the city engineer. After consideration of these and any other pertinent factors, the engineer shall then determine the portion of those costs to be paid by the owner, and shall direct the city treasurer to invoice the owner for that portion. Any property owner aggrieved by the engineer's allocation of costs may request a hearing before the engineer at which the owner may outline his objections and state his case for readjustment of allocation of costs. Such hearings must be requested within twenty-one (21) days of owner's receipt of invoice for payment of such costs. Within ten (10) days of such a hearing, the engineer will advise the treasurer and the owner in writing of his decision.

(p) Any fees collected for the Water Cross-Connection Program under M.G.L.A. c. 111 § 160A (310 CMR 22.22) shall be placed in a segregated account to be used exclusively for water cross connection related expenses (personal service, purchased services, supplies, other charges and capital acquisitions). The fund shall be established as a reserve for appropriation by the city council; and the available funds may be used upon recommended transfer(s) by the department head, through the mayor and with approval of the city council.

(Ord. of 12-7-82, Art. II; Ord. No. 9-1992, 3-3-92; Ord. No. 1-1993, § I, 12-15-92; Ord. No. 35-1996, § I, 8-20-96; Ord. No. 42-1997, 6-10-97)

Editor's note--The provisions of former 23-36(p), which pertained to fees collected under the Water Cross-Connection Program, have been transferred to section 23-61(p).

State law reference(s)--Municipal authority to assess the cost of sewer repair, M.G.L.A. c. 83, §§ 3A, 14.

Sec. 23-37. Restrictions on use of public sewers.

(a) *Generally.* All persons discharging sewage into public sewers connected to the city's sewage treatment plant shall comply with applicable requirements of federal and state industrial pretreatment regulations.

(b) *Stormwater and other unpolluted waters.* No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the director, to a storm sewer, combined sewer or natural outlet.

(c) *Hot or alkaline waters and wastes.* No person shall discharge or cause to be discharged heat, as liquid or vapor, in such quantity that the temperature at the city's wastewater treatment facility exceeds one hundred four (104) degrees Fahrenheit or forty (40) degrees Centigrade, or any wastes having a pH in excess of 9.5 pH units.

(d) *Dangerous, destructive or improper discharges.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, including but not limited to wastestreams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees Centigrade using the test methods specified in 40 CFR 261.21;
- (2) Any waters or wastes containing pollutants including oxygen demanding pollutants (BOD, etc.) or total suspended solids (TSS), toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant;
- (3) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders;
- (5) Batch cooking oils, fish scales, fish heads and viscera, fish carcasses and other solids from fish processing operations which have a mean particle size of greater than 40-mesh (0.017 in.), and stickwaters from fish meal production processes;
- (6) Any water or waste containing petroleum oil, non-biodegradable cutting oils or product of mineral oil or synthetic oil origin in concentrations greater than twenty-five (25) milligrams per liter or in such amounts as to cause pass through or interference;
- (7) Any water or waste from commercial or industrial plants or restaurants containing more than one hundred (100) milligrams per liter of oils, fat, or grease;
- (8) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;
- (9) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirements, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the director for such materials;

(10) Any radioactive wastes or isotopes of such half-life concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;

(11) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the director. Garbage grinders may not be used to reduce solids in fish process waste streams prior to discharge to the city's sanitary sewer.

(12) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), at a flow rate and/or pollutant concentration which either singly, or in combination with other discharges, will cause pass through at the wastewater treatment facility.

(e) *Options of director.* If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d), and which may have deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the director may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge;

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection (k). If the city engineer or director require the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director, and subject to the requirements of all applicable codes, ordinances and laws.

These provisions notwithstanding, the director may take enforcement action against any sewer user discharging wastewater containing substances or possessing characteristics as listed in subsection (d) above.

(f) *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided when in the opinion of the director they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city engineer, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owners thereof shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal which are subject to review by the city engineer. Any removal and hauling of the collected materials not performed by such owners personnel must be performed by waste disposal firms possessing valid licenses issued by the board of health,

and such firms must notify the owners of the means and site location of disposal of the collected materials.

(g) *Preliminary treatment.* Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(h) *Control structure.* When required by the director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances in the building sewer to facilities observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the director. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(i) *Measurements, tests, analyses.* All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the procedures described in 40 CFR Part 136. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval of the city engineer.

(j) *Special agreements.* Notwithstanding any provision of this section, the city and any user may reach agreement allowing the discharge of any water or waste of a character otherwise regulated by this section to be accepted for treatment by the city in return for payment by the user for such treatment. In no case will a special agreement waive compliance with a federal pretreatment standard or requirement. However, categorical standards may be adjusted by EPA, upon the request of the industrial user, in accordance with the provisions of 40 CFR 403.15 or 40 CFR 403.13.

(k) *Information may be required.* The director may require any user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

- (1) Wastewater discharge peak rate and volume over a specified time period;
 - (2) Chemical analyses of wastewater;
 - (3) Information on raw materials, processes and products affecting wastewater volume and quality;
 - (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control;
 - (5) Plot plans of sewers and appurtenances located within the user's property showing sewer and pretreatment facility location;
 - (6) Details of wastewater pretreatment facilities;
 - (7) Details of systems to prevent and control the losses of materials through spills or slug losses to the city's sanitary sewers.
- (l) *Trucked/hailed waste.* Discharge to the sewer of trucked or hauled wastes is prohibited except at discharge points designated by the city.

(Code 1970, § 18-6; of 12-7-82, Art. III; Ord. No. 28-1992, § 2, 10-13-92; Ord. No. 26-1995, §§ 2--4, 4-18-95)

State law reference(s)--Municipal authority to regulate discharges into common sewers, M.G.L.A. c. 83, §§ 5, 10.

Sec. 23-38. Industrial user and pretreatment requirements.

(a) *Compliance required.* Industrial users shall comply with federal, state and local general pretreatment standards and with applicable categorical pretreatment standards. The National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405--471, are hereby incorporated in this article.

(b) *Authority of director.* The director may immediately halt, prevent or modify any discharge of pollutants which in his opinion appear to present an imminent endangerment to the health and welfare of persons, or any discharge presenting, or which may present, an endangerment to the environment or which threatens to interfere with operation of the city sewage works. Actions which may be taken by the director include, but are not limited to, seeking ex parte temporary injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge or demand of specific action by the discharger.

(c) *Notification of standards.* The director shall notify officials of industrial users of applicable categorical pretreatment standards and any applicable requirements under Section 204(d) and 405 of the Clean Water Act, 33 U.S.C. 466 et seq., and subtitles C. and D. of the Resource Conservation Recovery Act 42 U.S.C. 4901 et seq., as amended.

(d) *Director to ensure compliance.* The director shall randomly sample and analyze the discharges of industrial users and conduct surveillance and inspection activities to identify, independent of information supplied by such persons, occasional and continuing noncompliance with this article.

(e) *Public participation.* The director shall comply with the public participation requirements of 40 CFR Part 25 in the enforcement of industrial pretreatment standards and requirements. The director shall provide public notification, at least annually, in the largest daily newspaper published in Gloucester, of all industrial users that were in significant noncompliance at any time during the previous twelve (12) months.

(f) *Industrial user permit:* Industrial users shall apply for and obtain an industrial user permit. Permit applications shall be made in accordance with a form developed by the director. No industrial user may continue to discharge wastewater to the sewers without an industrial user permit issued by the director, and such users shall conform to the terms of such permits. Permits will include, at a minimum:

- (1) A statement of duration;
- (2) A statement of nontransferability;
- (3) Applicable federal, state and local effluent limits;

(4) Self-monitoring, sampling, reporting, notification and record keeping requirements;

(5)

Permitted industrial users must notify the director thirty (30) days prior to any facility expansion, production increase or process modification which will result in new or increased discharges, or a change in the nature of the discharge, including hazardous wastes. The terms of an industrial user permit may be modified by the director; a reasonable time, not to exceed one (1) year, shall be provided for compliance with such modified terms. Violation of any term of such permit is a violation of this article and may be subject to enforcement action.

(g) *Categorical pretreatment permit.* Within ninety (90) calendar days after the adoption by a federal or state regulatory agency of a categorical pretreatment standards, existing industrial users subject to such standards shall submit a categorical permit application. Such application shall contain information required under applicable federal and state industrial pretreatment reporting regulations. Regional information shall be provided on a form prepared by the director. Such information, as a minimum, shall include:

(1) The name and address of the facility, including the name of the operators and owners;

(2) A list of all environmental permits held by or for the facility;

(3) A brief description of the nature, average rate of production, and standard industrial classification of the operations carried out at such facility;

(4) A proposed schedule of actions to be taken to comply with the categorical standards;

Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams;

(6) An identification of the industrial pretreatment standards applicable to each regulated process;

(7) An analysis identifying the nature and concentration of pollutants in the discharge; and

(8) A statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements.

The director may require additional information to be included in such application. Beginning 180 calendar days after the adoption of federal or state categorical pretreatment standards, industrial users subject to such categorical pretreatment standards may not discharge sewage to a public sewer, unless a categorical permit is duly issued by the director and the terms of such permit are being met. A violation of any term of such permit is a violation of this article.

(h) *Reports required.*

(1) Within ninety (90) days after the date of final compliance by existing industrial users with all applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the public sewer, such industrial users shall submit a report indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment standards and the average and maximum daily flow for these process units. Such report shall contain a statement, reviewed by an authorized representative of the industrial user and certified to by a qualified professional as to whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance practices or pretreatment is necessary.

(2) Any industrial user subject to a pretreatment standard shall, at a frequency determined by the director but in no case less than twice a year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards or required to be analyzed by the terms of the industrial user's permit, and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 23-38 Paragraph (k), below.

(3) If sampling by the industrial user indicates a violation of pretreatment standards, the industrial user must notify the city within twenty-four (24) hours of becoming aware of the violation. The industrial user must also resample and submit results of this resampling to the city within thirty (30) days.

(4) Industrial users must notify the city, the EPA and the state, in writing, of any discharge to the wastewater treatment plant which, if otherwise disposed of, would be a hazardous waste.

(5) At the discretion of the director, an industrial user may be required to develop a slug control plan which, at a minimum, outlines discharge practices (including nonroutine batch discharges); describes stored chemicals; and contains procedures both to notify appropriate city personnel immediately of slug discharges and to prevent adverse impacts from any accidental spill; and follow-up practices to limit damage to the treatment plant and the environment.

(i) *Notice of potential problems, including slug discharge.* Industrial users shall notify the director immediately of slug discharges and all discharges that could cause problems to the sewer system and/or the wastewater treatment plant, including discharge of the following pollutants:

(1) Pollutants which create a fire or explosion hazard in the sewers or wastewater treatment plant, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° F (60° C).

(2) Pollutants which are corrosive, but in no case, with a pH less than 5.0.

(3) Solid or viscous pollutants in amounts that will cause obstruction to the flow.

(4) Any pollutant discharged at a flow rate and/or pollutant concentration which will cause interference or pass through at the wastewater treatment plant.

(5) Heat in such quantities that the temperature at the wastewater treatment plant exceeds 40° C.

In the event of a discharge to the sewer of toxic or flammable wastes, the fire department must be notified immediately.

(j) *Compliance schedule.* If additional pretreatment equipment will be required to meet new or existing pretreatment standards the city will negotiate with the industrial user a timetable within which the industrial user will provide the requisite additional pretreatment. The completion date shall not exceed twelve (12) months from the date of issuance of the compliance schedule. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the compliance schedule shall exceed nine (9) months. The industrial user shall submit a written progress report to the director of public works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule.

(k) *Reports and applications to be signed by authorized representative.* Reports and permit applications submitted by industrial users under this article must contain the following certification statement and shall be signed by an authorized representative. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. An authorized representative may be:

(1) A principal executive officer of at least a level of vice president, if the industrial user is a corporation;

(2) A general partner or the proprietor, if the industrial user is a partnership or sole proprietorship; or

(3) A duly authorized representative of either of the individuals designated above, if such representative is responsible for the overall operation of the subject facility.

(l) *Records required.* Industrial users subject to the reporting requirements under this section shall maintain records of information resulting from monitoring

activities required to prepare such reports. Such reports shall include for each sample:

- (1) The date, exact place, method of time of sampling and the names of person or persons taking the sample;
- (2) The dates analyses were performed;
- (3) The names of person or persons performing the analyses;
- (4) The analytical techniques and methods used; and
- (5) The results of such analyses.

All records and information required to be retained under this article shall remain available for inspection and copying for a period of at least three (3) years. This period shall be automatically extended for the duration of litigation concerning the industrial user's compliance with this article, or where the industrial user has been specifically notified of a longer retention period by the director.

State law reference(s)--Similar provisions, M.G.L.A. Chapter 83, Section 15.

(m) *Public access to information.* Information and data submitted to the director under this section relating to sewage discharge characteristics shall be available to the public without restriction. Other such information shall be available to the public at least to the extent provided by 40 CFR section 2.302.

(n) *Dilution prohibited as a form of treatment.* Dilution of a wastewater discharge, as either a partial or complete substitute for adequate treatment to comply with a pretreatment standard or requirement is prohibited, unless expressly authorized by an applicable standard or requirement.

(Ord. of 12-7-82, Art. IV; Ord. No. 9-1993, § I, 6-8-93; Ord. No. 26-1995, §§ 5--12, 4-18-95)

State law reference(s)--Water pollution generally, M.G.L.A. c. 21, § 26 et seq., c. 102, § 17, c. 131, § 41 et seq.

Sec. 23-39. Tampering with facilities prohibited.

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

(Ord. of 12-7-82, Art. V, § 1)

Sec. 23-40. Power and authority of inspectors.

(a) *Right of entry.* The director, the city engineer and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the city sanitary sewer system in accordance with the provisions of this article.

(b) *Information gathering; trade secrets.* The director, the city engineer or other duly authorized employees are authorized to obtain information concerning

industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Such information shall be available to the public or other governmental agencies without restrictions unless the person providing such information specifically requests and is able to demonstrate to the satisfaction of the director that the release of such information would divulge processes or methods of production entitled to protection as trade secrets. Trade secrets shall not be made available for inspection by the public but shall be made available upon the written request of governmental agencies for their use regarding this ordinance, the National Pollutant Discharge Elimination System (NPDES) permit, any state disposal system permits or the pretreatment program. Information accepted by the director as being a trade secret shall not be provided by the director to any governmental agencies, with the exception of the U.S. Environmental Protection Agency, until and unless a ten (10) day notification thereof is given to the person who provided the trade secret to the director. Wastewater constituents and characteristics will not be recognized as trade secrets.

(c) *Observance of safety rules; indemnity.* While performing the necessary work on private properties referred to in subsection (a), the director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gaging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 23-37(h).

(d) *Entry into easements.* The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with private property involved.

(Ord. of 12-7-82, Art. VI; Ord. of 10-18-83, § I; Ord. No. 26-1995, §§ 12, 13, 4-18-95)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.

Sec. 23-41. Violations.

(a) *Penalty.* Any person found guilty of violating any provision of this article shall be subject to a penalty of from twenty dollars (\$20.00) up to five thousand dollars (\$5,000.00) for each day during which such violation shall continue.

(b) *Injunctive relief.* The director is authorized to seek injunctive relief for violations of this article.

(c) *Liability to city.* Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(Ord. of 12-7-82, Art. VII; Ord. of 2-14-89, § I; Ord. No. 28-1992, § 3, 10-13-92)

Section 23-42 “Sewer Extensions in Ward Five (5), Precinct two (2)

(A) Authority.

Article II, SEWERS, Division 2, regarding sewer extensions in Ward Five (5)-Precinct Two (2), hereafter Ward 5-2, has been adopted pursuant to authority set forth in Mass. G.L.c.83, s.10.

(B). Purpose.

This ordinance

Sec.3-43--23-54. Reserved.

ARTICLE III. WATER*

***Cross reference(s)**--Buildings and building regulations, Ch. 5; discharge of water or other liquid on sidewalk, § 21-10.

State law reference(s)--Public water supply, M.G.L.A. c. 40, § 38 et seq.

Sec. 23-55. Construction and repair of hydrants or standpipes.

All hydrants or standpipes established by the city shall be constructed, and all repairs upon such hydrants or standpipes shall be made, and the streets when broken up shall again be put in good order, under the direction of and to the satisfaction of the director of public works.

(Code 1970, § 27-1)

Sec. 23-56. Director of public works to determine and assess water rates; director's regulations relative to water service.

The director of public works shall determine and assess all water rates and may establish such regulations not inconsistent with this chapter and other ordinances of the city as it may deem expedient for the introduction and use of water and the measurement thereof, in conformance with the procedures required by section 7-16(a) of the Charter. Upon the failure or refusal of any person to comply with such regulations, the department of public works may shut off or refuse to supply water to his premises. Such regulations shall have all the force and effect of ordinances of the city and may be enforced in like manner.

(Code 1970, § 27-2)

Sec. 23-57. Discontinuance of service for failure to pay water charges.

In all cases of nonpayment of the water charges within thirty (30) days after the same are due, the supply shall be cut off and the water shall not again be turned on except upon the payment of the sum of two dollars (\$2.00), and not for the same occupant or owner except upon the payment also of the whole amount due. The foregoing provisions shall apply when two (2) or more parties take the water through the same service pipe, though one (1) or more may have paid the proportion due from him or them.

(Code 1970, § 27-3)

Sec. 23-58. Disposition of money paid into treasury on account of waterworks.

All moneys paid into the city treasury on account of the waterworks shall be placed to the credit of the water division of the department of public works, and shall be held and kept separate for payment of the expenses of operating the works and for such extensions and new construction as shall be recommended by the director of public works.

(Code 1970, § 27-4)

Sec. 23-59. Damaging waterworks property; unauthorized connections; etc.

No person shall injure any public pipe, reservoir or fire hydrant connected with the waterworks, or break and enter the same or draw off or cause to be removed any of the water therefrom, or turn on or off the water in any such water pipe, reservoir or fire hydrant, or make any opening or connection therewith, or remove the cover of any hydrant, except in case of fire, without a permit from the department of public works.

(Code 1970, § 27-5)

State law reference(s)--Trespass or other injury to property pertaining to water supply, M.G.L.A. c. 111, § 170.

Sec. 23-60. Water use restrictions.

(a) *Definitions.*

Person shall mean any individual, corporation, trust, partnership, association, agency of the state or federal government, or any other legal entity.

State of water supply conservation shall mean water use restrictions imposed by the city pursuant to this article.

State of water supply emergency shall mean a water emergency declared by the Massachusetts Department of Environmental Protection under M.G.L. c. 21G §§ 15--17.

Water users or *water consumers* shall mean all public and private users of the city's public water system, irrespective of any person's responsibilities for billing purposes for water used at any particular facility.

(b) *Declaration of a state of water supply conservation.* The director of public works may declare a state of water supply conservation if, in his/her judgement, water conservation measures are appropriate to ensure an adequate supply of water to all water consumers. A declaration of a state of water supply conservation shall include one (1) or more of the following restrictions, conditions or requirements, limiting the use of water as necessary to protect the water supply:

(1) *Odd/even day outdoor watering.* Outdoor watering by water users with odd-numbered addresses is restricted to odd-numbered days. Outdoor watering by water users with even-numbered addresses is restricted to even-numbered days.

(2) *Outdoor watering ban.* Use of city water for outdoor watering is prohibited.

(3) *Outdoor watering hours.* Outdoor watering is permitted only during periods of low demand, as specified in the declaration and the public notification thereof.

(4) *Filling of swimming pools.* Filling of swimming pools is prohibited.

(5) *Automatic sprinkler (irrigation system) use.* The use of automatic sprinkler systems is prohibited.

(c) *Notification of a state of water supply conservation.* Notification of any provision, restriction, requirement or condition imposed by the city as part of a state of water conservation shall be published in a newspaper of general circulation within the city, or by such other means reasonably calculated to reach and inform all users of water of the state of water supply conservation. Notification shall be provided simultaneously to the Massachusetts Department of Environmental Protection.

(d) *Termination of a state of water supply conservation.* Termination of a state of water supply conservation will occur when the director of public works determines that conservation measures are no longer necessary and shall so inform water consumers and the Massachusetts Department of Environmental Protection as in subsection 23-63(c), above.

(e) *State of water supply emergency.* Upon notification that a declaration of a state of water supply emergency has been issued by the Massachusetts Department of Environmental Protection (DEP), no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the DEP intended to bring about an end to the state of emergency.

(f) *Penalties.* Any person violating this ordinance shall be liable to the city in the amount of fifty dollars (\$50.00) for the first violation and one hundred dollars (\$100.00) for each subsequent violation which shall inure to the city for such uses as the director of public works may direct. Fines shall be recovered by indictment, or on complaint before the district court, or by non-criminal disposition in accordance with section 21D of Chapter 40 of the General Laws. Each day of violation shall constitute a separate offense.

(Ord. No. 26-1997, § I, 2-4-97)

Editor's note--Ord. No. 26-1997, § I, adopted Feb. 4, 1997, enacted provisions intended for use as § 23-63; however, these provisions have been interpreted by the editor as superseding the former § 23-60. The former § 23-60 pertained to restriction of water use and derived from § I(27-6) of an ordinance adopted May 5, 1981. **Sec. 23-61. Cross connection control requirements.**

(a) *Responsibilities.* The director of public works shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgement of the director, an approved backflow device is required at the city's water service connection to any customer's premises and/or at any other location within the customer's facility where a cross connection hazard exists, the director, or his delegated agent, shall give notice in writing to said customer to install approved backflow prevention device(s) where indicated. The customer shall, within a time period specified by the director, install such approved device, or devices, at his own expense, and failure or refusal, or inability on the part of the customer to install said device(s) within the required time frame, shall constitute a ground for discontinuing water service to the premises until such device(s) have been properly installed.

(b) *Definitions.* Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

Approved, as used in section 23-61(a), shall mean accepted by the Director as meeting the requirements of sections 23-61 through 23-63 and 310 CMR 22.22.

Auxiliary water supply shall mean any water supply on, or available to, the premises other than the purveyor's approved public potable water supply.

Backflow shall mean the flow of water or other liquids, mixtures or substances, under positive or reduced pressure in the distribution pipes of a potable water supply from any source other than its intended source.

Backflow preventer shall include and mean a device or means designed to prevent backflow or back-siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bibb vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

Backpressure shall mean a condition in which the owner's system pressure is greater than the supplier's system pressure.

Back-siphonage shall mean the flow of water or other liquids, mixtures or substances into the distribution system of a potable water system from any source other

than its' intended source caused by the sudden reduction of pressure in the potable water supply system.

Containment shall mean a method of backflow prevention which requires a backflow preventer at the water service entrance.

Contaminant shall mean any physical, chemical, biological or radiological substance or matter in water.

Cross connection shall mean any actual or potential connection between the public water supply and a source of contamination.

Department shall mean the department of public works, water division.

Fixture isolation shall mean a method of backflow prevention in which a backflow preventer is located to correct a cross connection at an in-plant location rather than at a water service entrance.

Owner shall mean any person maintaining a cross connection installation or owning or occupying premises on which cross connections can or do exist.

Person shall mean any individual, partnership, company, public or private corporation, political subdivision or agency of the state or federal government, or any other legal entity.

Pollutant shall mean a foreign substance that, if permitted to enter the public water supply system, will degrade the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably effect such water for domestic use.

Permit shall mean a document issued by the Commonwealth of Massachusetts, Department of Environmental Protection, which allows the use of a backflow preventer.

Potable water shall mean water from any source that has been approved by the Department of Environmental Protection for human consumption.

Water service entrance or *water service connection* shall mean that point in the owner's water system beyond the sanitary control of the city; generally considered to be the outlet end of the water meter and always before any unprotected branch.

(c) *Program authority.* The department will operate a cross connection control program, to include the keeping of records and reporting, which fulfills the requirements of Massachusetts State Law 310 CMR 22.22, and is approved by the Department of Environmental Protection. Recognizing the threat to the public water system arising from cross connections, the Department will classify all threats by degree of hazard and will require the installation of approved backflow devices in accordance with the requirements of 310 CMR 22.22.

(d) *Cross connections prohibited.* The department will not allow any known cross connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation. The owner shall be responsible for the elimination or protection of all cross connections on his/her premises.

(e) *Right of entry.* The director and/or other duly authorized employee or agent of the department bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspecting for possible cross

connections. The owner shall, upon request of the director or agent make available any plans, specifications and permits as may be necessary for a complete survey of the premises and shall provide labor as necessary to allow inspection and testing of devices if such exist.

(f) *Fixture protection.* If the department requires that the public potable water supply be protected by containment, the owner shall be responsible for water quality beyond the outlet end of the containment device and will be required to utilize fixture outlet protection for that purpose. The department will survey the facility and will specify the types of fixture outlet devices, and proper installation of these devices, necessary to protect the potable water on premises. The owner shall be required to install these devices as directed.

(g) *New installations.* On new installations, the department will provide an on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer(s), if any, that will be required and will perform initial inspection and testing. Plumbing diagrams must be submitted to the department for review and approval before installation of device(s).

(h) *Existing buildings.* For non-residential establishments, existing prior to March 1, 1992, the department will perform periodic evaluations and inspections of plans and/or premises and inform the owner by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made, this timetable being based on the degree of hazard involved, and the history of the device(s) in question.

(i) *Noncompliance.* The department shall inform the owner, in writing, of any violations noted during the inspection and provide a deadline for compliance with the conditions of the notice of violation. In the event the owner fails to take the necessary actions within the specified time frame, the department will inform the owner by letter, that a water service termination action will be initiated if the owner does not comply within ten (10) days. In the event that the owner fails to comply with the second notification, the department will inform the owner by certified mail that the water service will be terminated within seven (7) days. In the event that the owner promptly informs the department, in writing, of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the department but in no case will the extension exceed an additional thirty (30) days.

(j) *Existing in-use backflow prevention devices.* Any existing backflow preventer shall be allowed by the department to continue in service unless the degree of hazard is such as to supercede the effectiveness of that backflow preventer, or such as to result in an unreasonable risk to the public health. Where the department determines that the degree of hazard has increased, as may be the case of a residential installation converting to a business establishment, any existing backflow device must be upgraded to a reduced pressure principle device, or a reduced pressure principle device must be installed in the event that no backflow device was present. The owner is responsible for submitting the necessary plans to the department for review and approval, for each unpermitted existing device, within thirty (30) days of written notification of identification of said device by the department.

(k) *Emergency termination of service.* If the department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

(l) *Responsibilities of the owner.* The owner is responsible for the elimination or protection of all cross connections on his/her premises. The owner, having been informed in writing by the department, shall at owner's expense, install, maintain, and test, or have tested, any and all backflow preventers on owner's premises and shall correct any malfunctions.

(m) *Installation requirements.* Only backflow preventers approved by the Massachusetts Department of Environmental Protection will be allowed. Backflow preventers must be installed in a manner approved by the department.

(n) *Bypasses.* The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down their water service for testing of the device(s) must install a bypass with appropriate backflow preventer. (o) *Testing and repair.* Periodic testing and inspection of all reduced pressure principle backflow devices shall be conducted in accordance with the requirements of 310 CMR 22.22 and the department's cross connection control program. Testing of devices by the department's certified tester shall be conducted during the department's regular business hours. Any backflow device which fails a test shall be repaired or replaced within two (2) weeks of the date of the test, at the owner's expense. The owner must maintain on the premises a spare parts kit and any special tools required for removal and reassembly of the device. Upon completion of the repair, the department will retest the device. Notwithstanding the above, high hazard situations will not be allowed to continue unprotected if the backflow preventer fails a test and cannot be repaired immediately.

(p) *Fees and charges.*

(1) In accordance with section 23-56 of these ordinances, the director may set a schedule of fees or charges for:

- a. Testing;

b. Retesting;

c. Plan approval.

(2) Any fees collected for the Water Cross-Connection Program under M.G.L.A. c. 111, § 160A (310 CMR 22.22) shall be placed in a segregated account to be used exclusively for water cross connection related expenses (personal service, purchased services, supplies, other charges and capital acquisitions). The fund shall be established as a reserve for appropriation by the city council; and the available funds may be used upon recommended transfer(s) by the department head, through the mayor and with approval of the city council.

(Ord. No. 51-1992, 10-13-92)

Sec. 23-62. Protection of public water supplies.

(a) *Illegal entry.* No person shall wade or bathe in any source of public drinking water supply including, but not limited to, Babson Reservoir, Goose Cove Reservoir, Haskell's Pond, Dike's Pond, Wallace Pond, Lily Pond,

Fernwood Lake and Klondike Quarry, and any tributaries thereto; or cause any animal to go in or upon such source of water supply. No person shall, unless permitted by written permit of the director of public works, fish in a drinking water supply; enter or go in any boat, seaplane or other contrivance; or enter upon the ice for any purpose, including the cutting or taking of ice.

(b) *Discharge of contaminants and pollutants in watershed.* No person shall discharge any residential, commercial, institutional or industrial refuse or waste product or polluting liquid, no human excrement or compost containing human excrement, or other substance of a nature poisonous or injurious either to human beings or to animals, or other putrescible organic matter whatsoever, directly into or at any place from which said liquid or substance may flow or be washed or carried into a public water supply or tributary thereto.

(Ord. No. 51-1992, 10-13-92)

Sec. 23-63. Penalties for violations.

Any person found guilty of violating any provision of section 23-61 shall be subject to a penalty of up to one thousand dollars (\$1,000.00) per day per violation in addition to any penalties imposed by the Commonwealth of Massachusetts, and shall be liable for any expense, loss, or damage occasioned by the city by reason of such violation.

(Ord. No. 51-1992, 10-13-92)

State law reference(s)--M.G.L. c. 111, § 160A.

Secs. 23-64--23-74. Reserved.

ARTICLE IV. POLES AND WIRES*

***Cross reference(s)**--Posting notices on utility poles prohibited, § 14-8; injury to trees by placing or moving of poles, § 24-20.

State law reference(s)--Municipal authority to regulate wires, M.G.L.A. c. 166, § 25; poles and wires, M.G.L.A. c. 166, § 30 et seq.

DIVISION 1. GENERALLY

Sec. 23-75. Inspection of wires department established; city electrician designated inspector of wires.

An inspection of wires department is hereby established, the affairs of which shall be conducted by the city electrician. Such officer is hereby designated as the officer required by the provisions of M.G.L.A. c. 166, § 32, and for all the purposes of such section he shall be the inspector of wires.

(Code 1970, § 7-20)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.; city electrician, § 2-135 et seq.; departments generally, § 2-260 et seq.

Sec. 23-76. Duties of inspector of wires.

The inspector of wires shall have all the powers and be subject to all the duties conferred and required by law. He shall supervise every wire over or under streets or buildings in the city, and every wire within a building which is designed to carry an electric light, heat and power current, except wires within a manufactured building or building component as defined in the state building code and inspected in accordance with rules and regulations promulgated by the state building code commission. The inspector shall promptly notify the person owning or operating any wire under his jurisdiction whenever its attachment, insulation support or appliances are unsuitable or unsafe, or whenever the tags or marks therein required by M.G.L.A., c. 166, § 32, are insufficient or illegible. He shall see that all laws, ordinances and regulations relative to wires are strictly enforced.

(Code 1970, § 7-21)

State law reference(s)--Similar provisions, M.G.L.A. c. 166, § 32.

Sec. 23-77. Pole specifications.

All poles for telegraph, telephone and electric lines shall be straight, properly trimmed and painted, in all respects, to the satisfaction and acceptance of the city engineer. Such poles shall not be less than twenty-five (25) feet in height from the ground, shall be, if of wood, not less than six (6) inches in diameter at the smaller end, and ten (10) inches in diameter at the ground. Such poles shall be properly set in the ground to a depth of at least five (5) feet and shall be octagonal in shape whenever the city council shall so require. When it shall be necessary during the installation of a new pole to temporarily maintain a double pole, the permanent repairs shall be rendered forthwith and the superfluous pole removed within thirty (30) days. Failure to comply with the ordinance shall be punishable by a fine of not more than one hundred dollars (\$100.00) per instance to the owner(s) of record the pole or poles in question. This amendment shall become effective as of May 1, 1997.

(Code 1970, § 7-25; Ord. No. 43-1997, § I, 3-18-97)

State law reference(s)--Safety specifications for poles and other structures used to support lines, M.G.L.A. c. 166, § 34.

Sec. 23-78. Poles not to interfere with hydrants, water pipes, etc.

No poles shall be placed within fifteen (15) feet of any hydrant, nor shall any pole be so placed as to interfere with any water pipe, driveway or gutter or intersection of streets.

(Code 1970, § 7-26)

Sec. 23-79. Supervision of work.

All work establishing and locating any poles by any order or permit of the city council shall be under the direction of the city engineer whose duty shall be to see that all such poles are located according to the plan required by section 23-106.

(Code 1970, § 7-24)

Sec. 23-80. Inspection of poles and supports.

The inspector of wires shall, as frequently as practicable, thoroughly inspect the condition of all poles carrying electric wires upon or over the streets and buildings within the city, and all supports of such wires when attached to buildings, and ascertain if such poles and supports are kept in proper condition and not weakened by decay or other causes.

(Code 1970, § 7-33)

Sec. 23-81. Repair of defective poles and supports.

In case any person owning, leasing or operating wires shall neglect or refuse to maintain the poles and supports for such wires in proper condition for safety, the inspector of wires shall cause the poles and supports to be put in proper condition at the expense of the person owning or operating the same, after first giving the person or corporation due notice in writing of his intended action.

(Code 1970, § 7-34)

Sec. 23-82. Removal of poles.

No pole which has been located and erected under the provisions of this article shall be removed without the written permission of the city council and under the direction of the city engineer.

(Code 1970, § 7-35)

Sec. 23-83. Information required of persons operating wires.

Every person or contractor operating electric or other wires over or under any street, way or building in the city, upon request of the inspector of wires, shall furnish, within fifteen (15) days thereafter, accurate lists and plans of the posts or other supports of his wires, the location of conduits and manholes, if such exist, with information as to location, where and what service is rendered, whether telegraphic, telephonic, telecommunicative, power or electric lighting, and in the latter case, whether arc or incandescent current is used for any district or section in the city. Upon his request, the inspector shall also be furnished such information as to kind, size and tested strength of supporting or service wires, the maximum volts used, together with such other information as may be necessary for the faithful and effectual discharge of his duties.

(Code 1970, § 7-22)

Sec. 23-84. Compliance with plan and permit.

The construction of any line of electric wires shall conform to the plan and permit provided for in sections 23-105 to 23-112 in every particular, and any pole, wire or

conduit placed otherwise than as therein designated shall immediately be removed by the department of public works.

(Code 1970, § 7-23)

Sec. 23-85. Construction of lines crossing streets.

Whenever any power line shall cross any street or way, it shall be of a height of not less than twenty-five (25) feet above such street or way, and be protected by proper guard wires, and when practicable, cross at right angles.

(Code 1970, § 7-27)

Sec. 23-86. Insulation of wires running through street.

Every person having any wire charged with electricity running through a public street shall securely fasten and insulate such wire so that it shall not injure man or tree when coming in contact with the same.

(Code 1970, § 7-28)

Cross reference(s)--Streets, sidewalks and other public places, Ch. 21.

State law reference(s)--Safety specifications for wires, M.G.L.A. c. 166, § 30.

Sec. 23-87. Permission required to place wires on poles of another.

No person authorized under this article to erect and maintain poles or electric lines shall suffer or permit any other person, except its or his own agents or employees or the agents and employees of the city, to place wires upon such poles or upon the fixtures thereto affixed, without permission being first obtained from the city council.

(Code 1970, § 7-29)

Sec. 23-88. Location of antennas and similar wires.

(a) No antenna, or other wire adapted for the same or similar purpose, shall be attached to any pole, structure or equipment used or operated for the purpose of supporting wires carrying a current of electricity and no such antenna or other wire shall be so located or strung in any manner above or beneath any outdoor, overhead wire carrying a current of electricity.

(b) The inspector of wires shall notify any person owning or operating any antenna or other wire referred to in this section, whenever the location thereof is in violation of this section, to remove such antenna or wire. Upon failure to so remove the same within forty-eight (48) hours after notice from the inspector, the inspector shall, at the expense of the city, remove the same, and the city may recover in contract of the owner or party maintaining such antenna or wire, the expense incurred in such removal.

(Code 1970, § 7-30)

Sec. 23-89. Attaching fixtures to trees.

No person shall attach any electric wire, insulator or other device for the holding of an electric wire to any tree growing or planted upon any public highway of the city, without a written permit therefor from the director of public works.

(Code 1970, § 7-32)

Cross reference(s)--Trees and shrubs, § 24-15 et seq.

Sec. 23-90. Injury to trees, shrubs, etc., by workmen.

No person shall, for the purpose of placing or maintaining wires or lines on poles or for any other purpose connected with the construction and maintenance of telegraph or other electric lines, climb any tree by the use of spurs or of any instrument which shall pierce the tree, or in any way injure, pierce, tear, cut, deface or destroy any tree or branch of a tree or any shrub or other plant, or fixture or ornament or utility in any street, road, way or public place of the city.

(Code 1970, § 7-31)

Cross reference(s)--Trees and shrubs, § 24-15 et seq.

Sec. 23-91. Temporary removal of wires.

(a) Whenever, in order to move a building or for any other necessary purpose, a person desires that the wires of any company be cut, disconnected or removed, the company shall forthwith cut, disconnect or remove the same, if the person desiring this to be done has first left a written statement, signed by him, of the time when, and the place, described by reference to the crossings of streets or highways, where he wishes to remove the wires, at the office of the company in the city seven (7) days before the time so stated, or, if there is no such office, if he has deposited such statement in the post office, postage prepaid, and directed to the company at its office nearest to such place, ten (10) days before the time mentioned in the statement. If the company neglects or refuses to cut, disconnect or remove wires, as hereinbefore provided, the inspector of wires may cause the same to be cut, disconnected or removed, and the city or town may recover of the company in contract the expense of so doing.

(b) Every person having any wire charged with electricity running through a tree in a public highway shall temporarily remove any such wire or the electricity therefrom, when it shall be necessary, in order to take down, clean or prune any trees growing in the public highway, within seven (7) days after the service upon the owner of such wire, or his agent, of a written notice to remove such wire or the electricity therefrom, signed by the director of the department of public works.

(c) Any member of the fire department or other officer of the city may cut, disconnect or remove the wires of any person in case of fire to a building, when such wires interfere with the operations of the firemen, or the extinguishment of the fire, or access to or egress from such building, and the city shall not be liable for any expense or damages on account of such cutting, disconnecting or removing.

(Code 1970, §§ 7-36, 7-37)

State law reference(s)--Temporary removal of wires, M.G.L.A. c. 166, § 39.

Sec. 23-92. Removal of certain wires.

(a) No person owning, leasing or operating wires, nor any employee thereof, shall leave or permit an unused piece of wire to be left on the surface of any street or sidewalk, or an unused coil or loose end of wire to remain attached to any crossarm or post for more than twenty-four (24) hours.

(b) It shall be the duty of the inspector of wires to cause to be removed all dead wires of whatever nature attached to buildings if, in his judgment, they are in a dangerous condition or liable to become dangerous to life or property. He shall notify in writing the person owning, leasing or operating such wires of his desire for the removal thereof and give him at least ten (10) days in which to comply with the requirements, except in cases in which in his judgment there is immediate liability of injury to persons or property from the wires, and in all such cases the notice shall require their removal immediately. In the event of the refusal of any person to take proper action, the inspector may cause the work to be done and the expense to be charged to the owner.

(Code 1970, §§ 7-38, 7-40)

State law reference(s)--Removal of abandoned wires, M.G.L.A. c. 166, § 30; removal of untagged wires, M.G.L.A. c. 166, § 32.

Sec. 23-93. Indemnification of city against claims for injuries.

Every person erecting, maintaining or using poles, wires or other apparatus mentioned in this article shall indemnify and save harmless the city, its officers, servants, and agents, from and against all lawful claims and demands for injuries to persons and property occasioned by the maintenance and operation of such poles, wires or apparatus or the transmission of electric currents by means thereof, and the agents and officers of the city exercising the rights and powers given or reserved in this chapter shall not be held liable to such person on account thereof, or by reason of any injury caused thereby.

(Code 1970, § 7-41)

Secs. 23-94--23-104. Reserved.

DIVISION 2. PERMIT TO INSTALL AND MAINTAIN

Sec. 23-105. Required; authority of city council to grant.

No person shall erect, locate or maintain any telegraph, telephone, television or other lines of electric wires or conduits therefor or poles or other structures in support thereof within the city, without first obtaining a permit so to do. The city council shall have the exclusive authority to permit the erection and maintenance of such wires, conduits, poles and structures within the city.

(Code 1970, § 7-47)

Sec. 23-106. Street plan to accompany application.

(a) Whenever an application is made for a permit required by this division, the applicant shall furnish and file in the office of the city clerk, at the time of making such application, a plan of the streets to be effected upon a suitable scale. Upon such plan shall be marked, by dots or otherwise each and every pole presently located on the street, within the distance where locations are required by the application filed, and in characters to distinguish one from the other.

(b) The plan referred to in subsection (a) shall not be required when the lines for which a permit is sought are to be located on poles already erected.

(Code 1970, § 7-48)

Sec. 23-107. Agreements required of applicant.

(a) No permit required by this division shall be issued until the applicant or the owner of the structure to be erect, if different, has filed with the city council a written agreement accepting and promising to abide by all the conditions and provisions of this article and all orders, rules, regulations and amendments hereafter made in addition thereto.

(b) In addition to the agreement required by subsection (a), each applicant for a permit required by this division shall execute an agreement in writing satisfactory to the general counsel agreeing to accept the location and conditions of granting such permit and to save the city harmless from any and all claims whatsoever, by whomsoever made, for damages, costs, expenses, charges or compensation for or on account of or in any way growing out of the activities authorized by the permit. Such agreement, after its approval by the general counsel shall be filed with the city clerk, and no permit shall be issued until such agreement is so filed.

(Code 1970, § 7-49)

Sec. 23-108. Action on application by city engineer.

Every application for a permit required by this division shall be referred to the city engineer. The city engineer shall examine every such application in or over any street or public place to be effected, and shall report to the city council any facts which, in his opinion, bear upon the question of granting or refusing to grant such application.

(Code 1970, § 7-50)

Sec. 23-109. Hearing required on certain applications.

No permit to erect a pole for the support of any electric wires, or for the construction of underground conduits, shall be granted until after a public hearing has been held by the city council on the application for such permit, after at least fourteen (14) days' notice of such hearing, duly advertised at the expense of the applicant in one (1) or more local newspapers.

(Code 1970, § 7-51)

Sec. 23-110. Issuance; contents.

The city council may issue a permit required by this division to the person applying therefor. At the time of such issuance, the council shall determine and specify, on the plan required by section 23-106 by red dots, where each pole may be located. A permit so issued shall specifically designate the streets where the wires may run, and the location of each pole thereon, as exhibited on such plan, the kind of pole, the height at which all wires must be placed, and the dimensions and locations of the underground conduit, if such wires or any part thereof shall be laid underground.

(Code 1970, § 7-52)

Sec. 23-111. Issued subject to certain rights of city.

(a) Any permit granted under this division shall be subject to the right of the city, free of charge, to place its fire alarm, telegraph and police signal wires upon the poles or through the conduit so permitted to be maintained.

(b) Any permit granted under this division shall be subject to the right of the city to permit the location of lines by other persons upon poles and through conduits already erected, upon payment to the owner thereof a reasonable compensation to be determined by the parties, or if they fail to agree, to be determined after notice and hearing by the city council.

(c) All permits granted under the provisions of this division shall be upon condition that the wires, poles or structures covered thereby may be altered or changed at any time by the city council after fourteen (14) days' notice and opportunity to be heard shall have been given to the parties interested, and that any such wires, poles or structures may be temporarily removed, altered or changed by the department of public works, after one (1) days' notice in writing, in case of public necessity, at the expense of the person owning such wires, poles or structures, without liability on the part of the city therefor. Any pole so removed shall be immediately replaced in its original legal location as soon as the necessity for which such pole was removed has passed. In case any location in any street shall be altered, a substitute location in some other street may be granted by the city council in accordance with the terms and conditions of this division.

(Code 1970, § 7-53)

Sec. 23-112. Records to be kept.

The plan provided for in section 23-106 and a copy of the permit issued under this division shall be kept on file in the office of the city clerk.

(Code 1970, § 7-54)

Chapter 24 VEGETATION*

***Cross reference(s)**--Power of department of public works pertaining to vegetation, § 2-283; cutting or removing trees to move buildings, § 5-28; posting notices on trees prohibited, § 14-8; notice to property owners of time allowed for removal of trees, where streets are under construction, § 21-40; attaching fixtures to trees, § 23-89; injury to trees, shrubs, etc., by workmen installing wires, § 23-90.

State law reference(s)--Shade trees, M.G.L.A. c. 87, § 1 et seq.

ARTICLE I. IN GENERAL

Sec. 24-1. Definitions.

For the purposes of this chapter:

Park trees are defined as trees, shrubs, bushes, and all other woody vegetation in designated public parks in all areas owned by the city or on land to which the public has free access as a park.

Street trees or *shade trees* are defined as all trees within a public way or on the boundaries thereof.

Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

(Ord. of 8-4-87, Ch. I)

State law reference(s)--Definition of public shade trees, M.G.L.A. c. 87, § 1.

Sec. 24-2. Tree warden--Position created.

There is hereby created and established a position entitled Tree Warden, Superintendent of Insect Control and City Forester (hereafter, "tree warden"). This person shall be qualified by training and experience in the field of arboriculture and licensed to apply pesticides by the state pesticide board. The position of forest warden held by the fire chief shall remain separate from the position created here. The mayor shall have the right to review the tree warden's conduct and decisions.

(Ord. of 8-4-87, Ch. I)

Cross reference(s)--Fire chief to act as forest warden, § 8-23.

State law reference(s)--Local superintendents of insect pest control, M.G.L.A. c. 132, § 13; powers of tree wardens, M.G.L.A. c. 87, § 2.

Sec. 24-3. Same--Term of office.

The mayor of the city shall appoint the tree warden for the term of three (3) years. The state bureau of shade tree management and pest control shall be notified in writing forthwith by the city clerk of the appointment of the name and address of the tree warden.

(Ord. of 8-4-87, Ch. I)

State law reference(s)--Authority to appoint a tree warden, M.G.L.A. c. 41, § 1.

Sec. 24-4. Street tree species for Gloucester, Massachusetts.

No species other than those listed below may be planted as street trees without written permission of the tree warden.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
<u>Crabapple, flowering</u>	<u>Ash (Green)</u>	<u>Elm</u>
<u>Golden rain tree</u>	<u>Honey locust</u>	<u>Coffee tree</u>
<u>Hawthorne</u>	<u>Linden</u>	<u>Maple (Silver)</u>
<u>Bradford pear</u>	<u>Oak (English)</u>	<u>Maple (Sugar)</u>
<u>Red bud</u>	<u>Oak (Red)</u>	<u>Sycamore</u>
<u>Peach, flowering</u>	<u>Birch (River)</u>	<u>Sycamore (London plane)</u>
<u>Plum, purple leaf</u>	<u>Poplar</u>	<u>Cottonwood</u>
<u>Service berry</u>	<u>Sassafras</u>	<u>Tulip tree</u>
	<u>Merrill magnolia</u>	<u>Beech (Purple)</u>

(Ord. of 8-4-87, Ch. I)

Sec. 24-5. Spacing of street trees.

The spacing of street trees will be in accordance with their size. No trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large trees, fifty (50) feet, except in special plantings designed or approved by the tree warden.

(Ord. of 8-4-87, Ch. I)

Sec. 24-6. Location of street trees.

No street tree shall be planted closer than twenty (20) feet to any street corner measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet to any fire plug. Shade trees may be planted at a distance not exceeding twenty (20) feet from public ways provided that the written consent of any private owner of such land is first obtained.

(Ord. of 8-4-87, Ch. I)

State law reference(s)--Planting of shade trees, M.G.L.A. c. 87, § 7.

Sec. 24-7. Planting near utilities.

No street tree other than those species listed under the "small trees" heading in section 24-4 of this chapter may be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. of 8-4-87, Ch. I)

Sec. 24-8. Public tree care.

The tree warden shall have the right to plant, prune, maintain and remove trees, plants and shrubs on the edge of roads, streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds, in accordance with the procedures set forth in section 24-14. This chapter does not prohibit the planting of street trees by

adjacent property owners provided that the selection and location of said trees is in accordance with sections 24-4 through 24-8 of this chapter.

(Ord. of 8-4-87, Ch. I)

Sec. 24-9. Tree topping.

It shall be unlawful for any person to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the tree warden.

(Ord. of 8-4-87, Ch. I)

Sec. 24-10. Dead or diseased tree removal on private property.

The tree warden may remove or cause or order to be removed any tree or part thereof which is unsafe or is affected with any injurious fungus, insects or other pest. The tree warden shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property or harbor insects or diseases which constitute a potential threat to other trees within the city. The tree warden shall coordinate his or her efforts as necessary with the commonwealth's division of plant pest control, department of agriculture.

(Ord. of 8-4-87, Ch. I)

State law reference(s)--Director of the division of plant pest control, M.G.L.A. c. 128, § 16 et seq.

Sec. 24-11. Removal of stumps.

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(Ord. of 8-4-87, Ch. I)

Sec. 24-12. Interference with tree warden or deputies.

It shall be unlawful for any person to prevent, delay or interfere with the tree warden or his/her deputies while planting, cultivating, mulching, pruning, spraying or removing any street trees, park trees, or trees on private grounds as authorized by this chapter.

(Ord. of 8-4-87, Ch. I)

Sec. 24-13. Enforcement.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and subject to a fine not to exceed three hundred dollars (\$300.00). Each day an unlawful act occurs, and/or each tree acted upon, may constitute a separate offense.

(Ord. of 8-4-87, Ch. I)

Sec. 24-14. Cutting of public shade trees; hearings.

Public shade trees shall not be cut, trimmed or removed, in whole or in part, by any person other than the tree warden or his/her deputy, even if such person be the owner of the fee in the land on which such tree is situated, except upon a permit in writing from said tree warden nor shall they be cut down or removed by the tree warden or his/her deputy or other persons without a public hearing, and said tree warden or deputy shall cause a notice of the time and place of such hearing thereof, which shall identify the size, type and location of said shade tree or trees to be cut down or removed to be posted in two (2) or more public places in the city and upon the tree or trees at least seven (7) days before such hearing and to be published in a newspaper of general circulation in the city once in each of two (2) successive weeks, the first publication to be not less than seven (7) days before the day of the hearing. Such hearings, when concerning scenic roads, shall be consolidated into a single public hearing before the tree warden and the planning board. This section is consistent with the procedures prescribed in M.G.L.A. c. 87, § 3.

(Ord. of 8-4-87, Ch. I)

Sec. 24-15. Permit required to plant trees, shrubs in certain areas.

No shade or ornamental tree or shrub shall be planted in any section of the highways of the city or grounds occupied by public buildings until such tree or shrub shall first have been approved and the place where it is to be planted designated by the tree warden and a permit granted therefor.

(Code 1970, § 24-11)

State law reference(s)--Municipal approval required to plant trees in public ways, M.G.L.A. c. 87, § 2.

Sec. 24-16. Cutting, removing, etc.; permit from tree warden required.

(a) No person shall cut, prune, break, climb, injure or remove any living tree in the public highway or cut, disturb or interfere in any way with the roots of any tree on a public highway, without first obtaining a written permit therefor from the tree warden.

(b) Any citizen may petition for the removal of a tree in the public streets, upon which a hearing shall be had as provided in M.G.L.A. c. 87, § 3. If there is no objection thereto, as mentioned in M.G.L.A., c. 87, § 4, the tree warden shall issue a permit to the person petitioning therefor if he thinks favorably of such action. If there is objection, as stated in M.G.L.A. c. 87, § 4, the mayor shall pass on the petition. Should a permit finally be issued, and if the removal is for the improvement of the petitioner's property or for the construction of a building, the expense of the removal shall be borne by the petitioner, but the method of removal shall be directed by the tree warden.

(Code 1970, § 24-12)

Sec. 24-17. Spraying.

No person shall spray, with any chemicals or insecticides, any tree in a public highway without first obtaining a written permit therefor from the tree warden.

(Code 1970, § 24-13)

Sec. 24-18. Attachment of ropes and fixtures.

No person, without a written permit from the department of public works, shall place any rope or other fixture on a tree or guard in a public highway.

(Code 1970, § 24-14)

Sec. 24-19. Impeding passage of air and water to roots.

No person, without a written permit from the tree warden, shall place or maintain, upon the ground in a public highway, cement, stone or other substance which impedes the free passage of water and air to the roots of any tree in the highway, without leaving an open space of ground outside the trunk of the tree in an area not less than four (4) feet square.

(Code 1970, § 24-15)

Sec. 24-20. Injury by placing or removal of poles.

No person shall place a pole within eight (8) feet of any tree on a public highway in the city, nor shall any person remove a pole where, in so doing, the roots of the tree will be in danger of being injured, without first notifying the tree warden of the removal.

(Code 1970, § 24-16)

Cross reference(s)--Poles and wires, § 23-75 et seq.

Sec. 24-21. Injuring by pouring salt water on highway.

No person shall pour salt water upon any public highway in such a way as to injure any tree planted or growing thereon.

(Code 1970, § 24-17)

Sec. 24-22. Protection when buildings are erected or repaired.

In the erection or repair of any building or structure, the owner thereof shall place such guards on all nearby trees on the public highways as shall effectually prevent injury to them.

(Code 1970, § 24-18)

Cross reference(s)--Buildings and building regulations, Ch. 5.

Sec. 24-23. Injuring or removing protective devices.

No person shall injure, misuse or remove any device placed to protect any tree placed on the public highway.

(Code 1970, § 24-19)

Sec. 24-24. Exemptions from article.

Nothing in this article shall be construed as applying to any highway now or hereafter within the jurisdiction of the state highway commissioners; nor as preventing the removal of any tree or part which endangers persons traveling on the highway or the removal of any tree if so ordered by the city council for the purpose of widening the highway.

(Code 1970, § 24-20)

State law reference(s)--Municipal authority to trim, cut or remove trees, etc., which endangers persons traveling on the highway or for purposes of widening any such highway, M.G.L.A. c. 87, § 5.

Secs. 24-25--24-40. Reserved.

ARTICLE II. CITY PLANTINGS COMMITTEE*

***Editor's note**--In keeping with the general format of the Code Art. II, §§ 24-41--24-44, have been redesignated as herein set out by the editor.

Sec. 24-41. Committee; established.

There is hereby established a Gloucester Plantings Committee, consisting of the director of public works or his designee, the tree warden, and not less than three (3) nor more than seven (7) additional members appointed by the mayor from the voters and residents of the city. Appointees shall serve staggered terms of three (3) years, and appointments shall be subject to Charter sections 3-3 and 2-10.

(Ord. No. 15-1991, 5-28-91)

Sec. 24-42. Chairman.

The Chairman of the Gloucester Plantings Committee shall be designated, from time to time, by the mayor. Members shall serve without compensation.

(Ord. No. 15-1991, 5-28-91)

Sec. 24-43. Duties.

It shall be the duty of the Gloucester Plantings Committee to plan and coordinate plantings on city land, in public parks, and on public land alongside roads and ways within the city; to foster programs for maintaining these; to coordinate with representatives of the state planting arrangements involving state highways and lands; to advise the city on questions of planting; and in general, to encourage and facilitate plantings which benefit the city. The committee has the duty to determine that any land to be planted is not privately controlled land.

(Ord. No. 15-1991, 5-28-91)

Sec. 24-44. Authority of tree warden or director of public works.

Nothing in this chapter shall be construed as reducing or abridging the authority of the tree warden or the director of public works as provided in this chapter and any other applicable provisions in this Code of Ordinances and under Massachusetts General Law Chapter 87.

(Ord. No. 15-1991, 5-28-91)

Chapter 25 VEHICLES FOR HIRE*

***Cross reference(s)**--Traffic and motor vehicles, Ch. 22.

State law reference(s)--Municipal authority to regulate vehicles, M.G.L.A. c. 40, § 22; common carriers generally, M.G.L.A. c. 159; common carriers of passengers by motor vehicles, M.G.L.A. c. 159A.

ARTICLE I. IN GENERAL

Secs. 25-1--25-14. Reserved.

ARTICLE II. TAXICABS AND PRIVATE LIVERY VEHICLES*

***Cross reference(s)**--Use of taxicab stands, § 22-171.

DIVISION 1. GENERALLY

Sec. 25-15. Definitions.

For the purposes of this article, the following terms shall be deemed and construed to have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended:

Carrier shall mean and include every person, corporation, partnership, joint venture or other form of business organization, their lessees, receivers or trustees, engaged in operating, or causing to be operated, taxicabs.

Compensation shall mean and include any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to or accepted or received by the driver of any vehicle in exchange for transportation of a person, whether paid upon solicitation, demand, or contract, or voluntarily, or intended as a gratuity or donation.

Driver shall mean and include every person driving, operating, or in charge of any vehicle.

Motor vehicle or *vehicle* shall mean every motor-propelled vehicle used for the transportation of persons over the public streets.

Private livery vehicle shall mean a vehicle licensed as such and its use shall be limited to trips by the hour, previously arranged for out of town trips, funerals, weddings, or sightseeing.

Taxi stand shall mean a place on a public street designated by the city council for the use, while awaiting employment, of taxicabs and private liveryes.

Taxicab shall mean and include every vehicle of a distinctive color or colors or insignia used for the transportation of passengers over the streets of the city, but not over defined routes, for compensation, the charge to patrons being determined and indicated by the mechanical calculation of a taximeter, except vehicles used in car pools.

Taximeter shall mean and include a mechanical instrument or device by which the charge for hire of a taxicab is mechanically calculated, either for distance or for waiting time or both and upon which such charge is plainly registered by means of figures, indicating dollars and cents.

(Code 1970, § 25-1; Ord. of 2-11-86, § I)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 25-16. Identification of taxicabs.

Each taxicab operated in accordance with the terms of this article shall have the name of the city and the trade name of the carrier painted on either side of the vehicle in letters not less than two (2) inches nor more than five (5) inches in height in a position approved from time to time by the city council. All lettering of taxicabs shall be of a contrasting color. No permit shall be granted to any carrier to operate any taxicab whose color scheme, name, trade name, monogram, or insignia shall be in conflict with, or in imitation of, any color scheme, name, trade name, monogram or insignia used by any other carrier, and which shall be of such character and nature as to be misleading or deceptive to the public.

(Code 1970, § 25-4)

State law reference(s)--Identification of taxicabs, M.G.L.A. c. 40, § 22.

Sec. 25-17. Taxicab roof lights.

All taxicabs shall be equipped with roof lights and such lights shall be on when the taxicab is vacant.

(Code 1970, § 25-5)

Sec. 25-18. Misleading signs on private livery vehicles.

No private livery vehicle shall carry any sign whatsoever that would mislead the public to believe that the vehicle is a taxicab.

(Code 1970, § 25-6)

Sec. 25-19. Taxicab driver's badge.

(All taxicab drivers must display taxicab driver's badges in their vehicles. The badges are to be supplied by the city and to remain the property of the city and to be surrendered to the city

when the holder ceases to be employed as a taxicab driver. Every taxicab driver shall deposit with the city clerk the sum of five dollars (\$5.00) upon receipt of his badge, which sum will be refunded to the driver upon the return of the badge in good condition to the city clerk. Ord. 03-31 Deleted 7/22/2003)

All taxicab drivers must display taxicab photo identification (ID) in their vehicles. The photo ID's are to be supplied by the taxi company and to remain the property of the taxi company and the photo ID will be affixed with the city seal in the City Clerk's Office. (Ord. 03-31 7/22/2003)

(Code 1970, § 25-7)

Sec. 25-20. Availability of taxicab service.

Taxicab service shall be available by telephone call, by engagement of the taxicab when standing at a regularly assigned taxi stand, or when properly hailed from the street or curb. It shall be unlawful for any carrier or driver of a taxicab to refuse or neglect to transport any orderly person upon request, anywhere in the city, when a taxicab of the carrier is standing in a regularly assigned taxi stand, and such service shall be rendered immediately upon request.

(Code 1970, § 25-8)

Sec. 25-21. Drivers of taxicabs to use most direct route.

Every driver of a taxicab who is engaged to carry passengers shall take the most direct route possible that will carry the passengers safely and expeditiously to their destinations, unless otherwise directed by a passenger.

(Code 1970, § 25-9)

Sec. 25-22. Private livery vehicles not to be parked in taxi stand.

No person shall park, or permit to be parked, any private livery vehicle in any regularly assigned taxi stand.

(Code 1970, § 25-10)

Sec. 25-23. Limitation on number of passengers.

The number of passengers which may be carried in any vehicle covered by a permit issued under section 25-37 shall be limited to the seating capacity of the vehicle as specified by the manufacturer. No person shall be carried in the vehicle who is required to share in any way the seating space occupied by another, nor shall any person be carried who is required to occupy any space in or on the vehicle which does not provide a seat.

(Code 1970, § 25-3)

Secs. 25-24--25-34. Reserved.

DIVISION 2. PERMIT

Sec. 25-35. Required; exceptions.

(a) No person shall drive, operate, or cause to be operated, nor shall any person employ, permit or allow another to drive, operate or cause to be operated, any taxicab or private livery vehicle over any street of this city, for the purpose of transporting passengers for compensation, regardless of whether the operation extends beyond the boundary limits of the city, nor shall any person solicit, induce, persuade, invite or procure such transportation of passengers for compensation, or accept compensation therefor, without a permit first having been obtained from the licensing commission authorizing such operations and acts.

(b) Subsection (a) shall not apply to:

(1) A vehicle which is lawfully transporting a passenger from a point outside to a destination within the city, or is en route to a destination outside the city; provided that no driver or other person in charge of the vehicle shall, without such permit, solicit, or accept a passenger from within this city for transportation to any destination whatsoever;

(2) A vehicle being operated pursuant to a franchise issued by the city;

(3) A vehicle being operated under what is commonly referred to as a share the ride plan or carpool or agreement, where a person en route from his place of residence to his place of business, or vice versa, transports another person, living and working in the same general vicinities upon payment of a sum estimated to cover the actual approximate cost of operation of the vehicle;

(4) Vehicles being used as ambulances and being operated pursuant to authority granted by and in accordance with other ordinances or laws;

(5) Vehicles rented or leased for self operation by a person using the vehicle under a plan commonly known as a U-Drive-It but not when transporting other persons for compensation.

(Code 1970, § 25-21)

Sec. 25-36. Petition.

Any person desiring a permit required by this division shall file a petition therefor with the licensing commission. The petition shall be verified by oath of the applicant, if a natural person or by oath of an officer or partner of the applicant, if the applicant is a corporation, partnership, association or incorporated company. The petition shall set forth the name, age, and address of the petitioner, if a natural person, or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers, together with their respective addresses, or if a partnership, association or unincorporated company, the names of the partners comprising the partnership, association or company, together with their respective ages and addresses. The petition shall also state the trade name or style, if any, under which the petitioner proposes to operate, full information pertaining to the extent, character and quality of the proposed operations and the manner in which the proposed operations are to be conducted.

(Code 1970, § 25-22)

Sec. 25-37. Hearing; issuance; denial.

(a) No permit shall be issued under this section that will increase the number of taxicabs or private livery vehicles in the city, except after a hearing thereon, conducted under and in accordance with such rules and regulations as may from time to time be prescribed therefor by the licensing commission and until the licensing commission shall have determined that the public convenience and necessity require the operation proposed by the applicant for such permit. The licensing commission, in determining whether or not such facts exist, shall take into consideration the public demand for such service, the adequacy or inadequacy of service being rendered by other carriers, the effect of such service upon traffic, the financial responsibility of the applicant, the character of equipment proposed to be furnished, and any and all other facts which the licensing commission may deem relevant. The burden of establishing the existence of public convenience and necessity shall always be borne by the applicant for a permit, and no such permit shall be issued unless there has been an affirmative showing of the existence of such public convenience and necessity by such applicant.

(b) The licensing commission shall, upon receipt of a petition under this article, make full and complete inquiry into the facts set forth therein and shall either issue or deny a permit upon the proposed terms, or upon terms other than those proposed. Such permit shall be for a specified number of vehicles which shall only be increased pursuant to the procedure provided in subsection (a). No permit shall be denied except for good cause and after notice to the applicant that he may request a hearing thereon before the licensing commission.

(Code 1970, §§ 25-23, 25-24)

Sec. 25-38. Fee.

(The fee for permits required by this division shall be five dollars (\$5.00) for each taxicab and one dollar (\$1.00) for each private livery vehicle. No permit shall become effective until the fee has been paid. Ord. 03-31 Deleted 7/22/2003)

The fee for permits required by this division shall be (\$30.00) for each taxicab and private livery vehicle. (Ord. 03-31 7/22/2003)

(Code 1970, § 25-25)

Sec. 25-39. Effect.

A permit issued under this division shall constitute evidence of compliance with the terms of this article and shall authorize the permittee to operate vehicles under the conditions specified in this article; subject, however, to the requirements, obligations and limitations imposed by other applicable laws, ordinances, and orders of the city council.

(Code 1970, § 25-26)

Sec. 25-40. Term.

A permit issued under this division, shall be valid until December thirty-first next following its issuance, unless sooner revoked.

(Code 1970, § 25-27)

Sec. 25-41. Assignment or transfer.

No permit issued under this division shall be assigned or transferred without first obtaining the consent of the licensing commission.

(Code 1970, § 25-28)

Sec. 25-42. Suspension or revocation; hearing.

(a) The licensing commission shall have the power to suspend or revoke any permit granted under the provisions of this division when it shall have determined that any of the provisions of this article have been violated, or that any holder of such a permit has failed to comply with the terms of the permit or this article or the rules and regulations of the licensing commission pertaining to the operation, and to the extent, character and quality of the service, of any vehicle covered by the permit.

(b) Before revocation or suspension of the permit, the holder thereof shall be entitled to a hearing thereon before the licensing commission, and shall be notified thereof and entitled to counsel. Notice of the hearing shall be in writing, and shall be served at least ten (10) days prior to the date of the hearing, such service to be upon the holder of the permit, or its manager or agent. The notice shall state the grounds of complaint against the holder of the permit and shall also state the time when, and the place where, the hearing will be held. If the permit holder cannot be found, or service of the notice cannot be made upon him in the manner provided in this section, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the person at his last known address, at least ten (10) days prior to the date of the hearing.

(Code 1970, § 25-29)

Sec. 25-43. Permitted

No livery vehicle shall be used as a taxicab. (Ord. 03-31 7/22/2003)

Secs. 25-44--25-54. Reserved.

DIVISION 3. TAXICAB DRIVER'S LICENSE

Sec. 25-55. Required.

No owner or person having charge or management of a taxicab shall employ or permit or allow any person to drive the same, and no person shall drive the same, other than a person licensed to do so by the licensing commission.

(Code 1970, § 25-40)

Sec. 25-56. Application generally.

Application for a license to drive a taxicab shall be made to the licensing commission.

(Code 1970, § 25-41)

Sec. 25-57. Application to be approved by chief of police.

No license shall be issued under this division until the application has been approved by the chief of police.

(Code 1970, § 25-42)

Sec. 25-58. Qualifications of applicant.

(a) No license shall be granted under this division to any person unless he can read, write and speak the English language intelligently, nor unless he shall be a resident of the commonwealth, nor unless he shall present a valid operator's license, issued to him by the registrar of motor vehicles of the commonwealth.

(b) No driver's permit shall be issued pursuant to this article to any applicant who is not of good moral character.

(c) The phrase "good moral character" shall be construed to mean the propensity on the part of the applicant to serve the public in the city in a fair, honest, and open manner.

(d) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself as proof of an applicant's lack of good moral character. It may be used as evidence in the determination, and when so used the applicant shall be notified and shall be permitted to rebut the evidence by showing that at the current time he has the ability to, and is likely to serve the public in a fair, honest, and open manner, that he is rehabilitated, or that the substance of the former offense is not reasonably related to driving taxicabs.

(e) The following criminal records shall not be used, examined, or requested by the city in a determination of good moral character:

(1) Records of an arrest not followed by a conviction;

(2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction;

(3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the applicant's likelihood to serve the public in a fair, honest, and open manner;

(4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

(f) If an applicant is found to be unqualified for a license because of a lack of good moral character, or similar criteria, he shall be furnished by the police department with a statement to this effect. The statement shall contain a complete record of the evidence upon which the determination was based. The applicant shall be entitled, as of right, to a rehearing on the issue before the

police department if he has relevant evidence not previously considered regarding his qualifications.

(Code 1970, § 25-43)

Sec. 25-59. Fee.

(The fee for a license under this division shall be twenty dollars (\$20.00). Ord. 03-31 Deleted 7/22/2003)The fee for a license under this division shall be thirty dollars (\$30.00). (Ord. 03-31 7/22/2003)

(Code 1970, § 25-44; Ord. No. 122-1988, § I, 9-29-98)

Sec. 25-60. Issuance; signing; recordation.

The city clerk shall issue and sign the licenses required by this division, as clerk of the licensing commission. The clerk shall keep a record of all licenses so issued.

(Code 1970, § 25-45)

Sec. 25-61. Numbering.

Every license issued under this division shall be numbered in order as granted.

(Code 1970, § 25-46)

Sec. 25-62. Term.

Unless sooner revoked or suspended, any license issued under this division shall continue in force until the first day of January next after the date of issuance thereof.

(Code 1970, § 25-47)

Sec. 25-63. Licensee's identification card.

(a) The city clerk, when issuing a license or renewal under this division, shall also deliver to the licensee an identification card. The identification card shall set forth the number and term of the license, the name of the licensee, and a personal description of the licensee, including his age, height, weight, race, color of hair and color of eyes.

(b) The licensee shall, at all times when driving or in charge of a taxicab, carry the identification card upon his person or in an accessible place in the vehicle, and shall show the same whenever so required by the city manager, the inspector of motor vehicles or any police officer.

(Code 1970, § 25-48)

Sec. 25-64. Suspension or revocation.

Any license issued under the terms of this division may be suspended or revoked at any time by the licensing commission for good cause after notice to the licensee and a hearing.

(Code 1970, § 25-49)

Secs. 25-65--25-74. Reserved.

DIVISION 4. TAXICAB FARES

Sec. 25-75. Prescribed.

(a) The fares to be charged the public for taxicab service shall be such as are prescribed in the carrier's permit, and shall not be less than or more than the fares which are hereby fixed as follows:

(1) Two dollars and fifty cents (\$2.50) for the first "flag-drop." Thirty-eight cents (\$0.38) for each additional one-seventh ($\frac{1}{7}$ th) mile or fraction thereof. The waiting rate shall be eighteen dollars and seventy-five cents (\$18.75) per hour. Fares shall be based upon a combination of mileage and time.

~~Delete: Thirty-eight cents (0.38) for each additional one-seventh ($\frac{1}{7}$ th) mile or fraction thereof and; (Ord 05-02 Deleted 1/18/05)~~

~~ADD: forty-five cents (0.45) for each additional one-seventh $\frac{1}{7}$ th mile or fraction thereof. (Ord. 05-02 1/18/05)~~

(2) For each adult passenger over two (2), ten cents (\$0.10) additional charge.

(3) Fifty cents (\$0.50) additional charge for up to and including four (4) parcels and ten cents (\$0.10) for each additional parcel.

(4) Fares for all persons sixty (60) years of age and older, disabled veterans and handicapped persons may be reduced or discounted up to twenty-five (25) percent. When reduced or discounted rates are offered, they must be offered to all persons regardless of the point of origin or destination of ride. Any company who offers such discounts shall display a sign conspicuously posted in each taxi vehicle, informing all passengers of the discount. All such discounts shall be given upon reasonable proof of identification.

(5) Complimentary taxicab transportation may be provided to and from St. Peter's Church each and every Friday evening from 5:00 p.m. to 6:30 p.m.

(b) For the purpose of this section, "waiting time" shall mean the time consumed while the taxicab is not in motion at the direction of a passenger, but no charge shall be made for time lost through traffic interruptions or for delays caused by the inefficiency of the taxicab or its driver.

(c) For the purpose of this section "flag drop" shall mean anywhere from one-half ($\frac{1}{2}$) to one (1) mile.

(Code 1970, § 25-60; Ord. of 3-20-75, § 1; Ord. of 9-12-78, § I; Ord. of 12-12-79, § 1; Ord. of 5-22-84, § I; Ord. of 5-19-87, § I; Ord. of 11-15-88, § I; Ord. of 11-15-88, § I; Ord. of 11-21-89, § I; Ord. No. 25-1997, § I, 2-4-97; Ord. No. 57-2000, § I, 2-15-00)

Sec. 25-76. Charging, collecting, etc., unauthorized fares.

It shall be unlawful for any carrier or any agent or employee thereof, or any driver or operator of any taxicab covered by this article, to charge, collect, demand, receive, arrange, solicit or bargain for any amount of compensation other than the fares established and authorized by the city council.

(Code 1970, § 25-61)

Sec. 25-77. Display.

Every taxicab used or operated under this article shall, at all times, have displayed in the taxicab, at a location and in a manner approved by the city council, the fares to be charged for any such taxicab service, and which fares shall always be visible to all passengers in the taxicab.

(Code 1970, § 25-62)

Sec. 25-78. Failure to pay.

It shall be unlawful for any person to refuse to pay the authorized fare of any taxicab after having employed the same and it shall be unlawful for any person to hire any taxicab with intent to defraud the person from whom it is hired, or engaged, of the value of any such service.

(Code 1970, § 25-63)

Secs. 25-79--25-89. Reserved.

DIVISION 5. TAXIMETERS*

_____ ***Cross reference(s)**--Weights and measures, Ch. 26.

State law reference(s)--Testing taximeters, M.G.L.A. c. 98, § 45.

Sec. 25-90. Required.

It shall be unlawful for any carrier to operate any taxicab in the city, unless and until the taxicab is equipped with a taximeter of a type and design approved by the sealer of weights and measures and the licensing commission. All charges for taxicab service shall be calculated and indicated by a taximeter.

(Code 1970, § 25-74)

Sec. 25-91. Prohibited taximeters.

No taximeter, the mechanism of which will register a combined charge for mileage and waiting time in any single position, shall be used.

(Code 1970, § 25-80)

Sec. 25-92. Maintenance within standard of accuracy.

It shall be the duty of every carrier operating a taxicab, and also the driver thereof, to keep the taximeter operating at all times within such standard of accuracy as may be prescribed from time to time by the sealer of weights and measures.

(Code 1970, § 25-76)

Sec. 25-93. Inspection and testing; correction of defects.

(a) Every taximeter shall be inspected and tested for accuracy by the sealer of weights and measures at least once every twelve (12) months. Upon the completion of the inspection and of any adjustments necessary to cause the taximeter to operate within the standards of accuracy approved by the sealer of weights and measures, the sealer of weights and measures shall cause to be placed upon the meter a gummed label having printed thereon the following:

"This taximeter was inspected and tested on _____ (date) and found to comply with standards of accuracy prescribed by the sealer of weights and measures."

The date on which the inspection was made shall be stamped in the blank space provided for that purpose. No such label shall be removed except at the time of a subsequent inspection.

(b) In addition to the requirements of subsection (a), every taximeter shall be subject to inspection at any time by the sealer of weights and measures. Upon discovery of any inaccuracy of the taximeter, the operator thereof shall remove, or cause to be removed, from service the vehicle equipped with the taximeter until the taximeter has been repaired and accurately adjusted.

(Code 1970, § 25-70)

Sec. 25-94. Passengers not to be carried unless meter in operation.

No passenger shall be carried in a taxicab unless the taximeter is in operation. This provision shall apply when the taxicab is engaged for a trip within the boundaries of the city.

(Code 1970, § 25-75)

Sec. 25-95. Dial to be lighted and discernible to passengers.

The taximeter shall be placed in each taxicab so that the reading dial showing the amount to be charged shall be well lighted and readily discernible to a passenger riding in the taxicab.

(Code 1970, § 25-77)

Sec. 25-96. Not to register unless taxicab engaged.

No taximeter shall be so operated as to cause any charge to be registered thereon except during the time while the taxicab is engaged by a passenger.

(Code 1970, § 25-79)

Sec. 25-97. Operation of flag.

(a) At all times while a taxicab is engaged, the flag of the taximeter shall be thrown into a position to register charges for mileage or into a position to register charges for waiting time.

(b) It shall be unlawful for any driver of any taxicab, while carrying passengers, to display the flag attached to the taximeter in such a position as to denote that the vehicle is not employed, or to fail to throw the flag of the taxicab to a position indicating that the vehicle is unemployed at the termination of each and every trip.

(Code 1970, § 25-81)

Chapter 26 WEIGHTS AND MEASURES*

***Cross reference(s)**--Penalty for possession, use of unsealed or false weighing devices by hawkers and peddlers, § 11-16; applicant for junk dealers license to present receipt from sealer of weights and measures, § 19-31; provisions relating to taximeters, § 25-90 et seq.

State law reference(s)--Weights and measures, M.G.L.A. c. 98.

Sec. 26-1. General powers and duties of sealer.

The sealer of weights and measures shall have all the powers and perform all the duties provided by the general laws of the commonwealth. He shall cause all such laws as relate to the use of weights and measures and the giving or use of false weight or measure to be strictly enforced and, for this purpose, shall be a special police officer, without pay as such.

(Code 1970, § 28-1)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.

State law reference(s)--Municipal responsibility to appoint sealer, M.G.L.A. c. 98, § 34; powers and duties of sealer, M.G.L.A. c. 98, §§ 34--56B.

Sec. 26-2. Collection of fees by sealer and disposition thereof.

The sealer of weights and measures shall collect the following fees and charges which by law he is allowed to receive, and shall pay over to the city treasurer each month all sums so received by him.

Weights and Measures--Fees and Charges:

(Whether Sealed, Not Sealed or Condemned)

Scales w/capacity of 1,000 lbs. . . . \$200.00
Scales w/capacity 100--1,000 lbs. . . . 25.00
Scales/Balances 10--100 lbs. . . . 20.00
Scales/Balances under 10 lbs. . . . 20.00
Liquid Cap. Measure of Cap. of less or more than 1 gal. &
Measures on Pumps . . . 5.00
Liquid Measuring Meter Dia. 1/2"--1" (gas, oil, grease) . . . 20.00

Liquid Measuring Meter Dia. over 1":

Vehicle Tank Pump . . . 50.00

Vehicle Tank Gravity . . . 75.00

Bulk Storage . . . 75.00

Bulk Storage w/State Certification of Prover . . . 75.00

Taxi Meter, Odometer--Hubodometer . . . 25.00

Device to Determine Linear or Area (fabric measuring,
wirerope, cordage, yard sticks, dry measures, leather
measure (Semi-Annually) . . . 10.00

Milk Bottle or Jars . . . 20.00

Vehicle Tanks Used in Sale of Commodities by Liquid
Measure per 100 Gal. . . . 50.00

Separate Tanks--Same Vehicle (Each) . . . 25.00

All Weights (avoirdupois, metric, apothecary, troy) & Other Mea-
discretion of Sealer . . . 10.00

Scales and Balances:

Any Adjustment or Leveling (if adjustable or leveled by Sealer)--Set at discretion
of Sealer . . . 10.00

Liquid Measuring Devices:

1-inch or less inlet:

Adjustments (if adjustable by Sealer) . . . 15.00

(Set at discretion of Sealer)

1-inch to 4-inch inlet:

Adjustments (if adjustable by Sealer) . . . 15.00

(Code 1970, § 28-4; Ord. of 6-27-84, § I)

State law reference(s)--Fees of sealers, M.G.L.A. c. 98, § 56.

Sec. 26-3. Certificate of sealing.

The sealer of weights and measures shall, at the time of sealing, furnish the owner of the articles sealed, or his agent, with a certificate stating the name and address of the owner of the article, the date when sealed, and the amount of the fee, if any, collected. The certificate shall be signed by the sealer.

(Code 1970, § 28-5)

State law reference(s)--Testing and sealing of weights and measures, M.G.L.A. c. 98, § 41.

Sec. 26-4. Records and reports of sealer.

The sealer of weights and measures shall keep a detailed record of all work performed by him, and shall annually make a report in writing to the mayor.

(Code 1970, § 28-6)

State law reference(s)--Record of sealing, M.G.L.A. c. 98, § 41.

Chapter 27 CONDOMINIUM CONVERSION FOR RESIDENTIAL PROPERTIES UNDER FOUR UNITS*

***Editor's note**--An ordinance adopted July 11, 1989, enacted provisions designated as Ch. 27, and at the discretion of the editor, §§ 1--4 have been included herein as §§ 27-1--27-4.

Sec. 27-1. Definitions.

As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

Condominium unit: A unit in a housing condominium as that term is defined in M.G.L.A. c. 183A.

Condominium or cooperative conversion eviction: An eviction of a tenant for the purpose of removing such tenant from a housing accommodation in order to facilitate the initial sale and transfer of legal title to that housing accommodation as a condominium or cooperative unit to a prospective purchaser or an eviction of a tenant by any other person who has purchased a housing accommodation as a condominium or cooperative unit when the tenant whose eviction is sought was a resident of the housing accommodation at the time the notice of intent to convert is given to convert the building or buildings to the condominium or cooperative form of ownership pursuant to section 27-2 hereafter; provided, however, that the eviction of a tenant for nonpayment of rent or other violation of a rental agreement shall in no event be deemed a condominium or cooperative conversion eviction.

Cooperative unit: A unit in a housing cooperative which has been organized under the provisions of General Laws including, without limitation, the provisions of M.G.L.A. c. 156B, M.G.L.A. c. 157, or M.G.L.A. c. 157B.

Elderly tenant: A tenant who is a person or group of persons residing in the same housing accommodation any of whom has reached the age of sixty-two (62) years or over as of the date of receipt of the notice provided for hereunder.

Handicapped tenant: A person entitled to occupy a housing accommodation who is physically handicapped as defined in M.G.L.A. c. 22, § 13A as of the date of receipt of the notice provided for hereunder.

Housing accommodation: Any building, structure, or part thereof or land appurtenant thereto including buildings containing fewer than four (4) housing accommodations, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all services connected with the use or occupancy of such property, but not including the following:

- (1) Housing accommodations which the United States or the commonwealth or any authority created under the laws thereof either owns or operates;
- (2) Housing accommodations in any hospital, convent, monastery, asylum, public institution or college or school dormitory operated exclusively for charitable or educational purposes, or in any nursing or rest home for the aged;
- (3) Housing accommodations in hotels, motels, inns, tourist homes, and rooming and boarding houses which are occupied by transient guests staying for a period of fewer than fourteen (14) consecutive calendar days;
- (4) Housing accommodations constructed or converted from a non-housing to a housing use after the effective date of this chapter;
- (5) Housing accommodations which were constructed or substantially rehabilitated pursuant to any federal mortgage insurance program, without any interest subsidy or tenant subsidy attached thereto; or
- (6) Housing accommodations financed through the Massachusetts Housing Finance Agency, with an interest subsidy attached thereto.

Interest subsidy: Any payment made by the federal or state government to reduce the effective interest rate payable by a mortgagor.

Low or moderate income tenant: A tenant who is a person or group of persons residing in the same housing accommodation so long as the total income for all such tenants for the twelve (12) months immediately preceding the date of notice provided for hereunder is less than eighty (80) percent of the median income for the area set forth in regulations promulgated from time to time by the Department of Housing and Urban Development pursuant to 42 USC 1437 et seq., and calculated pursuant to said regulations.

Tenant: A person or group of persons collectively entitled to occupy a housing accommodation pursuant to a rental agreement written or implied.

Tenant subsidy: Any payment made by the federal or state government for or on behalf of any tenant to be applied toward the reduction of the tenant's rental payment.

(Ord. of 7-11-89, § 1)

Sec. 27-2. Notices.

(a) If a building submitted to the provisions of M.G.L.A. c. 183A, M.G.L.A. c. 156B, M.G.L.A. c. 157, and M.G.L.A. c. 157B or any provisions of the General Laws governing the cooperative form of ownership has been used in whole or in part for residential purposes within one (1) year prior to the recording of a master deed creating a condominium or the filing of the articles of organization creating a housing cooperative, the owner thereof shall give each tenant of all housing accommodations in such building or buildings notice of intent to convert the building or buildings to the condominium or cooperative form of ownership. Such notice shall state in clear and conspicuous language the following:

(1) That the owner has filed or intends to file a master deed at a registry of deeds whose location is stated in the notice or has filed or intends to file articles of organization with the secretary of the commonwealth;

(2) That any tenant residing on the date the notice of intent is given in the building or buildings converted or to be converted to the condominium or cooperative forms of ownership shall have a period of time which shall be stated in the notice, from the date of receipt of such notice, as authorized by this ordinance, before the tenant shall be required to vacate the housing accommodation occupied on the date the notice is received;

(3) That any tenant residing on the date the notice of intent was given in the building or buildings to be converted shall have a period of time, which shall be stated in the notice, from the date of receipt of such notice, as authorized by this ordinance, to purchase the unit occupied by the tenant on the date the notice is received on terms and conditions which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety (90) days following the expiration of said tenant's right to purchase as may be required by paragraph (b).

All notices required under this section shall be deemed to have been given when a written notice is delivered in person or mailed by certified or registered mail, return receipt requested, to the party to whom the notice is being given.

Whenever an owner is required to give notice of intent provided for in this section, the period of notice shall not be less than the expiration of any written agreement between the owner and the tenant of the housing accommodation which governs the use and occupancy of said housing accommodation or one year from the date the tenant of such housing accommodation is given said notice of intent, whichever is greater; provided, however, that in the case of a housing accommodation occupied in whole or in part by a handicapped tenant or occupied by an elderly or low or moderate income tenant the period of notice shall not be less than two (2) years from the date the tenant of such housing accommodation receives said notice of intent.

No person shall bring any action seeking a condominium or cooperative eviction until the expiration of the periods of time for notice to tenants specified in this act.

The burden of proving qualifications with respect to age, handicap, and income shall rest with the tenant.

(b) Any owner of residential property who converts such property to the condominium or cooperative form of ownership shall give to any tenant who is entitled to receive notice pursuant to this section the right to purchase the housing accommodation occupied by such tenant at the time such notice is delivered on terms and conditions which are substantially the same as or more favorable than those which the owner extends to the public generally for the ninety (90) days following the expiration of said tenant's right to purchase. Such tenant may exercise a right to purchase such housing accommodations by executing a purchase and sale agreement prior to the expiration of ninety (90) days after the date of receiving a copy of the purchase and sale agreement properly executed by the person offering the housing accommodation for sale.

(c) The owner of residential property converted to the condominium or cooperative form of ownership shall pay to any tenant who is entitled to receive a notice pursuant to this section and who does not purchase the housing accommodation which he occupies or another housing accommodation in the same building or buildings relocation benefits for the actual, documented costs of moving, not to exceed seven hundred fifty dollars (\$750.00) per housing accommodation; provided, that if such housing accommodation is occupied in whole or in part by a handicapped tenant or is occupied by an elderly or low or moderate income tenant, the maximum relocation benefit shall not exceed one thousand dollars (\$1,000.00) per housing accommodation. Such relocation benefits shall be payable within ten (10) days after the date on which the tenant vacates the housing accommodation occupied by him; provided, however, that no tenant shall be eligible for such relocation benefits unless all rent due and payable for said unit under the rental agreement or extension of such agreement, if any, has been paid by the tenant prior to the date on which the housing accommodation is vacated and only as long as the tenant voluntarily vacates the housing accommodation for which recovery of possession is sought on or before the expiration of the notice period.

(d) Any owner of residential property converted to the condominium or cooperative form of ownership shall assist elderly, handicapped and low or moderate income tenants who qualified as such as of the date of receipt of the notice authorized pursuant to this section locating, within the period of the notice to such tenants, comparable rental housing within the City of Gloucester which rents for a sum which is equal to or less than the sum which such tenant had been paying for the housing accommodation occupied at the time of receipt of the notice authorized by this section. The failure of the owner of such residential property to find such substitute housing accommodation shall extend the period of notice for up to an additional two (2) years.

(e) Any owner of residential property converted to the condominium or cooperative form of ownership shall give to any tenant who is entitled to receive a notice pursuant to this section an extension of the rental agreement at the expiration thereof. Such extension, where required, shall be for such period or periods of one year or such fraction thereof as shall equal the period of notice to which such tenant is entitled pursuant to the provisions of this section. The provisions of such rental agreement may not otherwise be modified by the property owner except with respect to the amount of annual rent, any increase in which shall not exceed an amount equal to the sum which would result by multiplying said rent by the percentage increase in the consumer price index for

all urban consumers as published by the United States Department of Labor, Bureau of Labor Statistics, during the calendar year immediately preceding the date upon which such rental agreement is commenced, or ten (10) percent, whichever is less; provided, however, nothing herein shall limit the right of a property owner to any amounts which may be due under a valid escalation clause.

Sec. 27-3. Violations; penalty; jurisdiction.

Any owner who converts residential property in violation of any provisions of this chapter shall be punished by a fine of not less than three hundred dollars (\$300.00). Each unit converted in violation of this chapter constitutes a separate offense.

Any violation of this chapter by an owner of residential property shall not affect the validity of a conveyance of a condominium unit or an interest in a housing cooperative to a purchaser for value who has no knowledge of the violation.

The district and superior courts have jurisdiction over an action arising from any violation of this chapter and have jurisdiction in equity to restrain any such violation.

(Ord. of 7-11-89, § 3)

Sec. 27-4. Limitation of applicability.

This chapter shall not be applicable to any unit in a building or buildings converted to the condominium or cooperative forms of ownership for which, on or before the date of adoption of this chapter, a master deed has been recorded or articles of organization filed, and a deed or, in the case of a cooperative, a proprietary lease, conveying the unit to a bona fide purchaser for value who intends to occupy such unit as a principal residence has been recorded, in the case of such deed, in the Essex County southern district registry of deeds.

(Ord. of 7-11-89, § 4)

***Cross reference(s)--Administration, Ch. 2.**

<u>Year</u>	<u>Number</u>	<u>Text</u>
1970	<u>87</u>	<u>Authorizes acquisition of lands and buildings for St. Peters's High School to perform renovations thereon and to borrow money for such purpose.</u>
	<u>198</u>	<u>Authorizes city manager to appoint members of Gloucester Industrial Development Commission.</u>
	<u>383</u>	<u>Authorizes abatement and</u>

		<u>refunding of erroneously assessed taxes from Rose's Oil Service, Inc.</u>
	<u>390</u>	<u>Sets commencement of terms of city counselor; amends Ch. 203 of Acts of 1961.</u>
	<u>441</u>	<u>Regulates transfer of certain property of Gloucester Lyceum and Sawyer Free Library, etc., and to borrow money for such purpose.</u>
	<u>500</u>	<u>Authorizes entrance into agreement with McNiff-Dominic Transit Co., Inc., to provide public transportation.</u>
<u>1971</u>	<u>None</u>	
<u>1972</u>	<u>275</u>	<u>Authorizes establishment of salary of city manager in excess of limit imposed by general law.</u>
	<u>545</u>	<u>Authorizes formation of vocational regional school district.</u>
<u>1973</u>	<u>123</u>	<u>Increases amount of money city can borrow for library purposes.</u>
	<u>921</u>	<u>Extends the terminal date of certain harbor tideland licenses.</u>
	<u>1025</u>	<u>Authorizes regional district school committee to amend agreements in connection with the adoption and certifying of their budget.</u>
	<u>1065</u>	<u>Authorizes borrowing money to repay certain federal aid anticipation notes.</u>
<u>1974</u>	<u>142</u>	<u>Provides the placement of names of candidates for public office on official ballots used in municipal elections be drawn by lot.</u>
<u>1975</u>	<u>178</u>	<u>Regulates the rate of interest on Gloucester Industrial Development Commission bonds.</u>
	<u>406</u>	<u>Establishes an historic and scenic district planning commission in Essex</u>

		<u>County.</u>
	<u>763</u>	<u>Authorizes Department of Environmental Quality Engineering to study the renovation and renewal of the new state fish pier.</u>
	<u>788</u>	<u>Exempts the office of shellfish constable from the provisions of the civil service law.</u>
<u>1976</u>	<u>104</u>	<u>Authorizes expenditure of appropriations for preliminary studies for the new state fish pier.</u>
	<u>153</u>	<u>Relates to the membership of the Gloucester Community Pier Association.</u>
<u>1977</u>	<u>173</u>	<u>Validates certain actions of city relative to certain borrowings thereby.</u>
	<u>451</u>	<u>Provides the position of executive secretary to fisheries commission and the secretary of such executive secretary be exempt from civil service law and rules.</u>
	<u>464</u>	<u>Relates to the disbursement of funds for the new state fish pier.</u>
<u>1978</u>	<u>64</u>	<u>Authorizes appropriation and payment of certain sum of money to Gordon G. Pew.</u>
	<u>519</u>	<u>Relates to the Gloucester fisheries commission membership.</u>
<u>1979</u>	<u>none</u>	
<u>1980</u>	<u>143</u>	<u>Authorizes construction of a roadway across a portion of Babson Reservoir.</u>
<u>1981</u>	<u>120</u>	<u>Authorizes building and discharging from a primary waste water facility.</u>
	<u>587</u>	<u>Provides certain license to fill solid and maintain structures and buildings on and over tidewaters on Gloucester harbor. The irrevocable and tidal interest of commonwealth therein be released.</u>

	<u>740</u>	<u>Establishes Gloucester Pier Advisory Board.</u>
<u>1982</u>	<u>6</u>	<u>Exempts position of city electrician from civil service law and rules.</u>
	<u>114</u>	<u>Authorizes issuance of a liquor license to Collins Package Store, Inc.</u>
	<u>172</u>	<u>Exempts position of agent of board of health from civil service laws and rules.</u>
<u>2002</u>		<u>Betterment Program for Private Road Improvements Enacted 9/18/2002</u>

***Cross reference(s)--Administration, Ch. 2.**

ADOPTED LEGISLATION BY CITY COUNCIL (Since 1954 Revision)

<u>Chapter</u>	<u>Acts/ Section</u>	<u>Subject</u>	<u>Year Adopted</u>	<u>Page No.</u>
<u>Ch. 252</u>	<u>A/1954</u>	<u>Membership of the Gloucester Community Pier Association; powers and duties</u>	<u>04/05/54</u>	<u>69</u>
<u>Ch. 322</u>	<u>A/1954</u>	<u>Authorizing City to use playground for school site</u>	<u>04/21/54</u>	<u>77</u>
<u>Ch. 97</u>	<u>A/1955</u>	<u>School Committee, terms of membership, filling of vacancies (Voted at City Election, 11/08/55)</u>	<u>11/08/55</u>	<u>46</u>
<u>Ch. 206</u>	<u>A/1955</u>	<u>Water Dept. placed under jurisdiction of Dept. of Public Works (Voted City Election,</u>	<u>11/08/55</u>	<u>74</u>

		<u>11/08/55)</u>		
<u>Ch. 177</u>	<u>A/1955</u>	<u>Park Dept.</u> <u>placed under</u> <u>jurisdiction of</u> <u>Dept. of Public</u> <u>Works (Voted</u> <u>City Election,</u> <u>11/08/55)</u>	<u>11/08/55</u>	<u>104</u>
<u>Ch. 608</u>	<u>A/1955</u>	<u>Designating</u> <u>Traffic Circle.</u> <u>Chester H. Grant</u> <u>Memorial Circle</u>	<u>08/04/55</u>	<u>206</u>
<u>Ch. 332</u>	<u>A/1955</u>	<u>Water</u> <u>assessments to</u> <u>meet cost of</u> <u>laying water</u> <u>pipes in public</u> <u>and private ways</u>	<u>09/01/55</u>	<u>220</u>
<u>Ch. 442</u>	<u>A/1955</u>	<u>Playground Dept.</u> <u>placed under</u> <u>jurisdiction of</u> <u>Dept. of Public</u> <u>Works (Voted</u> <u>City Election,</u> <u>11/08/55)</u>	<u>11/08/55</u>	<u>226</u>
<u>Ch. 443</u>	<u>A/1955</u>	<u>Sewer Dept.</u> <u>placed under</u> <u>jurisdiction of</u> <u>Dept. of Public</u> <u>Works (Voted</u> <u>City Election,</u> <u>11/08/55)</u>	<u>11/08/55</u>	<u>226</u>
<u>Ch. 343</u>	<u>A/1956</u>	<u>Establishing the</u> <u>Licensing</u> <u>Commission</u>	<u>05/31/56</u>	<u>174</u>
<u>Ch. 180</u>	<u>A/1957</u>	<u>Reduction of</u> <u>membership of</u> <u>the City Council</u> <u>(Voted City</u> <u>Election</u> <u>11/05/57)</u>	<u>11/05/57</u>	<u>71</u>
<u>Ch. 251</u>	<u>A/1957</u>	<u>Making certain</u> <u>positions in labor</u> <u>service</u> <u>permanent</u>	<u>05/23/57</u>	<u>122</u>
<u>Ch. 487</u>	<u>A/1954</u>	<u>Water Liens &</u> <u>Charges</u>	<u>06/06/57</u>	<u>127</u>
<u>Ch. 414</u>	<u>A/1957</u>	<u>Authorizing</u> <u>payment</u>	<u>06/20/57</u>	<u>134</u>
<u>Ch. 139 S. 1,2,3</u>		<u>Disposition of</u>	<u>12/19/57</u>	<u>245</u>

		<u>burned and dilapidated buildings</u>		
<u>Ch. 427</u>	<u>A/1957</u>	<u>Pension increase for certain retired Police and Fire personnel</u>	<u>01/16/58</u>	<u>9</u>
<u>Ch. 522</u>	<u>A/1958</u>	<u>Establish regulations for connection with common sewer</u>	<u>08/14/58</u>	<u>186</u>
<u>Ch. 374</u>	<u>A/1956</u>	<u>Widow's Pensions, Police and Fire</u>	<u>02/12/59</u>	<u>25</u>
<u>(Am. by Ch. 583)</u>	<u>A/1957</u>	<u>(Amends GL Ch. 32, Sec. 90A)</u>		
<u>Ch. 81</u>	<u>A/1959</u>	<u>Authority to grant easement over Fishermen's Mem. Park</u>	<u>03/26/59</u>	<u>54</u>
<u>Ch. 40 S. 8C</u>		<u>Establishing Conservation Commission</u>	<u>02/28/62</u>	<u>28</u>
<u>Ch. 329</u>	<u>A/1962</u>	<u>Sell certain Park Land at Public Auction</u>	<u>04/12/62</u>	<u>66</u>
<u>Ch. 382</u>	<u>A/1962</u>	<u>Change of title of executive officer of Gloucester Police Dept. and provision for life tenure, JJ Coyle</u>	<u>05/10/62</u>	<u>80</u>
<u>Ch. 631</u>	<u>A/1962</u>	<u>Increasing membership of Gloucester Fisheries Commission</u>	<u>07/19/62</u>	<u>125</u>
<u>am. ch. 260</u>				
<u>Ch. 40</u>	<u>Sec. 8D</u>	<u>Historical Commission Powers and Duties of Cities and Towns</u>	<u>02/04/65</u>	<u>21</u>
<u>Ch. 100</u>	<u>A/1965</u>	<u>Life tenure, Kenneth S. Webber, Auditor</u>	<u>03/18/65</u>	<u>42</u>
<u>Ch. 559</u>	<u>A/1965</u>	<u>Conveyance of Lane's Cove land to B.U.</u>	<u>08/19/65</u>	<u>127</u>

		(Repealed Ch. 751, Acts of 1967)		
<u>Ch. 32B, S11C</u>	<u>A/1966</u>	<u>BC/BS Retirees, Hospital, Surgical, Medical</u>	<u>05/26/66</u>	<u>182</u>
<u>Ch. 148</u>	<u>S56</u>	<u>Outdoor Parking Lot</u>	<u>01/19/67</u>	<u>10</u>
<u>Ch. 90</u>	<u>S18A</u>	<u>Jaywalking</u>	<u>03/16/67</u>	<u>48</u>
<u>Ch. 90</u>	<u>S20C</u>	<u>Beach Parking</u>	<u>04/20/67</u>	<u>65</u>
<u>Ch. 130</u>	<u>S8A</u>	<u>Authority of Police as Natural Resource Officers</u>	<u>08/17/67</u>	<u>171</u>
<u>Ch. 544</u>	<u>A/1968</u>	<u>Authority for City to convey certain park land on southerly side of Route 128</u>	<u>07/26/68</u>	<u>140</u>
<u>Ch. 347</u>	<u>A/1969</u>	<u>Filling of vacancies of School Committee</u>	<u>06/05/69</u>	<u>99</u>
<u>Ch. 40D</u>	<u>S3</u>	<u>Establishment of an I. D. C. Finance Authority</u>	<u>08/07/69</u>	<u>141</u>
<u>Ch. 144</u>	<u>S94-98</u>	<u>Tenement Owner requirement to file info w/Board of Health</u>	<u>04/03/69</u>	<u>58</u>
<u>Ch. 140</u>	<u>S188-190</u>	<u>Picnic Grounds</u>	<u>03/20/69</u>	<u>47</u>
<u>Ch. 40C</u>	<u>S4</u>	<u>Establish Historic District Study Committee</u>	<u>03/19/70</u>	<u>52</u>
<u>Ch. 40</u>	<u>S22D</u>	<u>Create ordinance relative to parking of trailer boxes on public streets</u>	<u>05/07/70</u>	<u>90</u>
<u>Ch. 626</u>	<u>A/1970</u>	<u>Allow State to deduct insurance premiums from retired teachers</u>	<u>06/10/71</u>	<u>65</u>
<u>Ch. 48</u>	<u>S58(e)</u>	<u>Firefighters Residency</u>	<u>12/02/71</u>	<u>128</u>
<u>Ch. 100</u>	<u>A/1968</u>	<u>Municipal Employees Union</u>	<u>01/20/72</u>	<u>11</u>
<u>Ch. 32</u>	<u>S81A, 81B, 83A</u>	<u>Retirement, Police and Fire</u>	<u>03/15/73</u>	<u>31</u>

		<u>Personnel</u>		
<u>Ch. 386</u>	<u>A/1962</u>	<u>Salary of City Clerk</u>	<u>03/15/73</u>	<u>33</u>
<u>Ch. 448</u>	<u>A/1973</u>	<u>Cemeteries</u>	<u>08/02/73</u>	<u>101</u>
<u>Ch. 121C</u>	<u>A/1972</u>	<u>Establish EDIC</u>	<u>02/22/77</u>	<u>68B</u>
<u>Ch. 148</u>	<u>S26C</u>	<u>Smoke Detectors, six or more dwelling units, hotels, lodging houses, etc.</u>	<u>08/15/78</u>	<u>245</u>
<u>Ch. 32B</u>	<u>S11A</u>	<u>Standardizing Life Insurance Benefits</u>	<u>08/23/94</u>	
<u>Ch. 32</u>	<u>S53</u>	<u>Retirement Board Member's Compensation</u>	<u>10/30/95</u>	
<u>Ch. 111</u>	<u>S127B1/2</u>	<u>Municipal Funding of Residential Improvements to Meet Certain Public Health Code Requirements</u>	<u>12/12/95</u>	
<u>Ch. 32B</u>	<u>S16</u>	<u>Offer HMO health insurance plan</u>	<u>04/30/96</u>	
	<u>S18</u>	<u>Offer Medicare supplemental health insurance plan</u>	<u>04/30/96</u>	
	<u>S9(c), (d), (g)</u>	<u>Contribute 50% of cost of health insurance premiums for surviving spouses</u>	<u>04/30/96</u>	
<u>Ch. 44</u>	<u>S70</u>	<u>Establish a Revolving Account</u>	<u>5/16/96</u>	
<u>Ch. 40</u>	<u>S57</u>	<u>Local Licenses and Permits</u>	<u>10/29/96</u>	
<u>Ch. 71</u>	<u>A/1996</u>	<u>Creating a Veterans Buy Back</u>	<u>2/18/97</u>	
<u>Ch. 17</u>	<u>A/1997</u>	<u>COLA Law</u>	<u>6/9/98</u>	

<u>Ch. 194</u>	<u>A/1998,</u> <u>S288</u>	<u>Pension</u> <u>Allowance</u> <u>Adjustment for</u> <u>Retirees</u>	<u>12/1/98</u>	
<u>Ch. 456</u>	<u>A/1998</u>	<u>Granting the</u> <u>Cost of Living</u> <u>Adjustments to</u> <u>Non-</u> <u>Contributory</u> <u>Retirees</u>	<u>4/27/99</u>	
<u>CH46</u>	<u>A/2003</u> <u>S116</u>	<u>Early Retirem.</u> <u>Incentive Prog.</u>	<u>10/14/03</u>	
<u>CH46</u>	<u>A/2003</u> <u>S117</u>	<u>Sale of Public</u> <u>Land</u>	<u>10/14/03</u>	

***Editor's note**--The city's personnel ordinance, adopted on January 25, 1983, has been set out in Appendix C at the discretion of the editor. Original article and section designations have been retained. Amendments to the personnel ordinance are indicated by a history note enclosed in parentheses following the amended section. Language enclosed with brackets [] has been added by the editor for clarity. Typographical errors have been corrected without notation.

Cross reference(s)--Officers and employees, § 2-40 et seq.

ARTICLE 1. APPLICATION OF ORDINANCE

This ordinance shall apply to all city departments, including the school department, and to the positions of all employees in the service of the city other than those positions which are filled by popular election or which are under the direction and control of the school committee. In some cases, certain personnel policies are covered by the civil service law and rules or by collective bargaining agreements. In such cases, said law, rules, and agreements shall constitute the governing policy. However, where subject civil service law and rules or collective bargaining agreements do not address a particular situation, subject or circumstance, the policies of this ordinance shall prevail and apply.

ARTICLE 2. DEFINITIONS

The following words and phrases used in this ordinance shall have the meanings indicated below unless the context clearly requires otherwise.

Appointing authority -- Any person, board, or commission having the power of appointment or employment.

Casual Position -- A position requiring employment at irregular intervals.

City -- The City of Gloucester.

Civil Service Law -- General Laws chapter 31 as amended and rules and regulations made thereunder.

Class -- A group of positions sufficiently alike in duties, authority and responsibility to justify the application of the same class title, qualifications and salary range to all positions in the group and the use of the same test of fitness in recruiting.

Classification Plan -- A schematic list of classes supported by class specifications.

Classified Service -- Positions in the service of the city which are subject to the provisions of this ordinance.

Compensation Plan -- A schedule of compensation for all classes in the classification plan, including any successive pay rate established for each class.

Demotion -- The movement of an employee from a position in one class to a position in another class with a lower maximum pay rate.

Department -- Any department, board, committee, commission or other agency of the city, as defined by the mayor, subject to this ordinance.

Department Head -- The officer, board or other body having immediate supervision and control of a department.

-- The permanent involuntary separation from service of an officer or employee for just cause.

Eligible List -- A list of persons who have met the requirements for a given class of positions and who are eligible for appointment.

Emergency Employee -- An employee appointed by a department head for a specified time during an emergency where appointment from an eligible list is not possible and without the approval of the personnel director.

Employee -- A person occupying a position, or a person who is on authorized leave of absence.

Full-time Position -- A position requiring the observance of a normal work week for the respective department as established by administrative regulation.

Incumbent -- The current occupant of a position.

Layoff -- The separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency or misconduct on the part of the employee.

Leave -- An authorized absence from regularly scheduled work hours which has been approved by proper authority.

Merit Raise -- An increase in pay from one step to a higher step in the pay range for an employee who meets the eligibility conditions established in accordance with Article 9 of this ordinance.

Part-time Position -- A position requiring the observance of less than normal working hours on a regular recurring basis and, if salaried, paid on a proportional basis at one of the rates established for full-time employment.

Pay Grade -- A range of salary or wage rates appearing in the compensation plan.

Permanent Employee -- An employee retained on a continuing basis.

Position -- An office or post of employment in the city service with assigned duties and responsibilities calling for the full-time or part-time employment of one person in the performance thereof.

Probationary Period -- A working test period, following an appointment, during which an employee is required to demonstrate, by conduct and actual performance of the duties, fitness for the position to which appointed.

Promotion -- The movement of an employee from a position of one class to a position of another class with a higher maximum pay rate.

Provisional Position -- A position authorized on a requisition when there is no suitable civil service eligible list.

Seasonal Position -- A position requiring the observance of normal working hours but which is filled only during certain months or seasons of the year.

State Personnel Administrator -- The personnel administrator who directs the Division of Personnel Administration, Commonwealth of Massachusetts.

Suspension -- The temporary, involuntary separation from service of an officer or employee for just cause.

Temporary Position -- An office or post of employment in the city service which is filled for a specified time.

ARTICLE 3. STRUCTURE AND FUNCTIONS OF PERSONNEL DEPARTMENT

Sec. 3-1. Establishment of Department.

(a) There is hereby established within the city a personnel department which shall administer the provisions of this ordinance. The department shall consist of a personnel director, who shall report to the mayor, and one subordinate technical or clerical person as the mayor and city council may employ for the purposes of this ordinance.

(b) The personnel director's salary shall be in accordance with the classification and compensation plans for management and non-union employees.

(c) The mayor shall furnish the department with such office space as it may require for carrying out its responsibilities and, upon request of the department, shall provide it with an adequate place for the holding of public hearings and meetings.

(d) The department shall keep a record of official proceedings and actions, establish its own rules of procedure and may, subject to the appropriate therefor, make such expenditures as may be necessary for the performance of its duties.

(e) Except as otherwise provided by law, the personnel department shall have access to all facts, figures, records and other information relating to the personnel of city departments, other than the school department, and the same shall be furnished forthwith by any such departments whenever so requested by the personnel department, in such forms as the department may require.

(Ord. of 12-16-86, § I)

Sec. 3-2. Functions of Department.

The personnel department shall perform the following functions:

(1) Administer the city's comprehensive personnel ordinance, including the attendant classification and compensation plans, and the collective bargaining agreements covering municipal employees.

(2) Formulate, issue, amend or revoke, subject to the mayor's approval, policies and administrative regulations for the purpose of giving effect to the provisions of this ordinance and for the purpose of giving effect to the provisions of the other ordinances and votes of the city pertaining to personnel administration which said department may be responsible for administering and/or enforcing. Each such order shall be numbered in sequence and shall be maintained in a personnel department file of all such orders issued which shall be open to public inspection.

(3) Assist in negotiating and administering collective bargaining agreements with municipal unions.

(4) Provide advice and assistance to the mayor, department heads and elected and appointed supervisory officials on all personnel matters including position classification, pay administration, employee relations, employee grievances and disciplinary action.

(5) Develop and administer a recruitment and placement program designed to fill vacant positions in the city with the best qualified persons.

(6) Plan, develop and conduct training programs.

(7) Study classification, assignment and utilization of personnel in all departments, other than the school department, and make recommendations for improvements thereof.

(8) Develop, establish, and coordinate uniform personnel practices and procedures for city departments including the standardization of forms and records to be used in the city's personnel administration program.

(9) Serve as labor registrar for the city under the civil service law; furnish information relative to civil service examinations; provide assistance to all departments on civil service matters; perform liaison

responsibilities between city departments and the division of personnel administration of the commonwealth.

(10) Discharge all duties and functions incident to the administration of workmen's compensation insurance; secure information from all departments concerning the preparation and filing of all reports and information required by law and the department of industrial accidents.

(11) Recommend to the mayor and city council the enactment of such ordinances as are considered necessary to implement and administer the city's personnel administration program.*

***Note--**The process for amending this ordinance shall be in accordance with the Gloucester City Charter, section 2-11.

(12) Maintain a personnel record system incorporating vital statistics and other pertinent data including a record of personnel transactions affecting job status for each employee of the city except those under the jurisdiction of the school department.

(13) Develop, establish and coordinate a municipal employee safety program for the city.

(14) Develop, establish and coordinate an affirmative action and equal employment program for the city.

(15) Discharge all duties and functions incident to the administration of the city payroll and payroll system.

(16) Be responsible for compliance with the Fair Labor Standards Act.

(Ord. of 12-16-86, § I)

ARTICLE 4. CLASSIFICATION AND COMPENSATION PLANS

Sec. 4-1. Establishment of Classification Plan.

(a) Section 4-1 and Appendix A shall constitute the classification plan of the city within the meaning of section 108A of chapter 41 of the general laws.

(b) The positions of all officers and employees in the service of the city, other than the positions of officers elected by the city and those positions in the service of the school department, are hereby classified by titles listed in Appendix A, whether said positions are full-time, part-time, seasonal, casual or other in nature.

(c) The title of each class, as established by the classification plan, shall, except as otherwise provided herein, be the official title of every position allocated to the class and the official title of each incumbent of a position so allocated and shall be used to the exclusion of all others on payrolls, budget estimates and other official records and reports pertaining to the position. If, in the instance of any position subject to the civil service law, a different title for the position shall be established by the state personnel administrator, such title shall

be the official title of the incumbent of said position and shall be used on all payrolls, budget estimates and other official records and reports pertaining to the position.

(d) Temporary positions, except positions which can be allocated to classes appearing in Appendix A, shall be established by the personnel department in consultation with the appointing authority, except as otherwise provided by statute.

Sec. 4-2. Existing and New Positions.

Except for paid elective positions, positions in the service of the school department, and positions allocated to their appropriate class by the state personnel administrator pursuant to the civil service law, each position in the city service shall be allocated by the personnel department to a class established by the classification plan. No person shall be appointed, employed or paid as an employee of the city in any position subject to this classification plan under any title other than a title appearing in said plan or a title approved as stipulated in this ordinance, nor shall such a person be employed under a title inappropriate to the classification plan in terms of the duties actually to be performed, or being performed, in the position, except as provided in the emergency provisions of the ordinance. Whenever a new position is established, or the duties of an existing position are so changed as in effect to create a new position, upon presentation of sustaining data satisfactory to the personnel department, the said department shall allocate such new and changed position to its appropriate class. No position shall be reclassified until the personnel department has determined that such reclassification will be consistent with the classification and compensation plans.

Sec. 4-3. Classification Descriptions and Qualifications.

(a) The personnel department shall establish, maintain and amend from time to time as it deems necessary, written definitions or job descriptions for each class of positions established pursuant to section 4-1(b). Said definitions or job descriptions shall describe the essential character of the duties and responsibilities of positions, setting forth the minimum qualifications for entrance to positions of the class. Such definitions or job descriptions shall be descriptive only and except as provided herein with respect to minimum qualifications not restrictive.

(b) They [the definitions or job descriptions] shall serve to define the scope of the several classes and not to prescribe in detail the duties or lines of promotion of any individual position.

(c) In the instance of classes of positions subject to the civil service law, the minimum qualifications of employment shall be those approved by the state personnel administrator for positions of the class subject to the civil service law.

(d) In the instance of all other classes of positions, the minimum qualifications for allocation thereto shall be prescribed by the personnel department and shall be based upon the minimum qualification recommended to said department by department heads, an examination by the personnel department of the work content of positions allocated to the class and the

personnel department's study of comparable positions in private employment, in the services of other municipalities and in the state service.

(e) Every two (2) years, beginning in 1994, the personnel director shall review the classification system referred to in Section 4-3. Further, the director shall, pursuant to 4-3(a) and 4-3(d) herein, make or recommend any necessary and appropriate changes. Further, this review shall be completed by July 1 of each review year.

(Ord. No. 10-1994, § I, 7-26-94)

Sec. 4-4. Compensation Plan.

(a) The compensation plan shall consist of the schedule incorporated into Appendix B for management and non-union employees, schedules incorporated into collective bargaining agreements and schedules of salary and wage rates covering other miscellaneous position classes included in the classification plan. Each position class shall be allocated to a pay grade consisting of a salary range with step increments or a single rate incorporated into the appropriate schedule.

(b) The personnel department shall administer the provisions of the compensation plan and shall establish such policies, procedures and regulations as it deems necessary for the administration thereof subject to the requirements of section 3-2.

(c) If a position subject to the civil service law shall be classified by the state personnel administration under a title not specified in Appendix A, the city personnel department shall allocate the position class to an appropriate pay grade in the compensation plan (subject to provisions of collective bargaining agreements where applicable).

(d) Increases in compensation under the compensation plan, except as provided by collective bargaining agreement are permissive and are not mandatory for management personnel. Management employees shall be entitled to a salary review on the annual anniversary date of his/her employment. Merit raises for management personnel shall be awarded solely on the basis of the results of the performance evaluation process. In cases where merit raises are appropriate, an adjustment equal to at least one increment shall be awarded to the employee. Individual salaries need not be specifically established at one of the seven (7) increments of the salary grade but may be established at any level between the minimum and maximum of the grade so long as any merit adjustments are of an amount equal to at least one increment within the range (or five (5) percent of the salary). No increase shall become effective unless the appropriation made according to law, to which it is chargeable, is sufficient for the purpose and unless it is approved by the personnel department. The compensation plan for non-union, non-management employees shall follow that of the union employees and shall increase automatically at the same time and in the same increments as the union employee compensation plan increase.

(e) Except for employees whose positions are covered by collective bargaining agreements, any employee occupying a position in the classification plan who is not recommended to receive the increment specified in the plan shall have the right to appeal to the personnel department. Upon receipt of such

appeal, the personnel department may initiate and approve the increment without the recommendation of the department head after hearing both the employee and the department head or may deny the appeal. Employees whose positions are covered by collective bargaining agreement shall be restricted to the appeals process provided in the respective agreement.

(f) When any management or non-union position becomes vacant, and is to be filled, the mayor shall have the authority to establish the salary of the new employee at any rate within the pay grade assigned to the position.

(g) The mayor shall submit annually to the city council recommended adjustments to the compensation plan for non-union employee. Said adjustments shall if adopted become effective on the first day of the fiscal year for which they are adopted.

(Ord. of 9-6-83, § I)

ARTICLE 5. BENEFITS AND WORKING CONDITIONS

Sec. 5-1. Exception to Applicability.

The provisions incorporated into sections 5-2 through 5-7 of this ordinance shall not apply to employees covered by collective bargaining agreements. In such cases, the provisions of said agreements shall constitute the governing policy and shall be cited by reference. These provisions shall apply in total to all other permanent officials, officers and employees, civil service and non-civil service alike.

Sec. 5-2. Saturday, Sunday and Holidays.

(a) The following shall be paid holidays: New Year's Day, Martin Luther King's Birthday, Washington's Birthday, Patriots' Day, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas.

(b) Legal holidays declared by the commonwealth shall be paid holidays for employees of the city.

(c) If a non-management employee is required to work on Saturday, Sunday or holidays, time and one-half shall be paid for work performed on Saturdays and double time on Sundays and holidays.

Sec. 5-3. Vacations.

(a) Every permanent official, officer and employee, after he/she has been employed an aggregate of thirty (30) weeks, shall be granted a vacation without loss of pay in each calendar year, in accordance with the following schedule:

(1) Ten (10) working days if his/her service is less than five (5) years.

(2) Fifteen (15) working days commencing with the sixth year of service and ending with the tenth year of service.

- (3) Twenty (20) working days commencing with the eleventh (11) year of service, but in no event shall an employee or official be entitled to a vacation longer than four (4) weeks in any calendar year.
- (b) For the purposes of this section, any permanent official, officer or employee, who served as a temporary official, officer or employee, shall be entitled to one (1) year of service for vacation purposes for each year in which he/she performed duty as a temporary official, officer or employee for at least thirty (30) weeks.
- (c) Permanent part-time employees who work a scheduled week of twenty (20) hours or more but less than the established weekly hours, shall be credited with vacation leave in the same proportion that the scheduled hours of the employee bears to the scheduled hours of the department.
- (d) Fifteen (15) working days of vacation time may be accumulated and carried forward from one year to the following year. Vacation time excess to the fifteen (15) days shall be lost unless provision (g) below applies.
- (e) A compensatory day shall be given for such holidays as occur during an allotted vacation.
- (f) Time for taking vacation leave shall be at the discretion of the department head; department head time for taking vacation leave shall be at the discretion of the mayor.
- (g) Should the work load of a given department be such that an employee cannot be excused to take vacation leave within the calendar year in which leave is credited, then upon recommendation of the appointing authority and approval of the personnel director, such unused vacation leave may be used in the following calendar year.
- (h) Employees who leave the employment of the city prior to completing the full twelve (12) months for which vacation benefits are accrued shall be required to reimburse the city for any vacation taken which constitutes a greater proportion of the vacation entitlement than the proportion of one year actually worked.
- (i) A vacation shall be defined as a work week.
- (j) Vacation pay shall be based upon the pay rate of the highest rated job classification held by an employee for a cumulative period of thirty (30) days during the immediately preceding twelve-month period.

Sec. 5-4. Sick Leave.

- (a) A non-management employee of the city who becomes ill shall be entitled to sick leave aggregating not more than eighteen (18) days in any calendar year, exclusive of Sundays and holidays, without loss of pay.
- (b) Non-management employees shall be entitled to utilize three (3) personal leave days provided the immediate supervisor is notified as soon as practical and, as determined by the department head and personnel director, such personal leave does not substantially interfere with the operation of the employee's department.

(c) Non-management employees, upon retirement from city service under the provisions of "The Contributory Retirement System for Public Employees" shall be entitled to payment of an amount equal to his/her daily rate of pay (not to exceed twenty-five dollars (\$25.00)) times the number of unused sick leave days outstanding on the date of retirement, divided by four (4).

(d) Sick leave may be accumulated by any non-management employee who becomes ill, for such portion of the eighteen (18) days annual sick leave that is not used in the particular year to which it applies for a total of two hundred and fifty (250) working days.

(e) The rate of pay which shall be paid to any regular city employee absent from work on account of illness shall be at the same rate as the employee would be paid if he/she were not absent.

(f) Every department head, at all times, shall have the right to request of any absent employee, a certificate or other dependable evidence of the employee's sickness in fact and, in the event a department head doubts the right of an employee to be absent from work and to use any accumulated sick leave due the employee, the department head shall notify the personnel director. The latter shall notify the mayor who may cause to be organized a medical board to determine the extent of the employee's illness and his/her right to recover pay for accumulated sick leave. The medical board shall consist of three (3) physicians entitled to practice in the commonwealth, one physician to be appointed by the employee, another to be appointed by the mayor, and such two (2) physicians to pick a physician to serve as the third member, if they do not agree. The reasonable expense of the medical board shall be paid by the city and the amount charged to the department involved.

(g) Until such time as a central record, computerized or other, system is established, a record shall be kept by the department head of every city department, which record shall show a detailed and accurate account of the periods of illness and accumulation of sick leave relating to every employee of the respective departments.

(h) If any injury, illness or disability provided for in this section is self-inflicted or self-imposed, or if there is any other good reason or cause to deny an employee of the city sick leave or injury with pay under this section, the personnel director may, after due inquiry which meets constitutional standards determine what if any pay shall be given under the circumstances. Sickness or accidents sustained or caused to any city employee as the result of the use of alcohol or drugs shall not be considered a proper claim for leave with pay under the provisions of this section.

(i) Management employees of the city are considered to be salaried employees, thus absence, due to illness, will not result in the loss of pay. Therefore, the allocation and aggregating of a specific number of sick days per year for management employees is neither appropriate nor in the best interest of the city or employee.

(j) The mayor and/or department head, at all times, shall have the right to investigate and require evidence of sickness on the part of any management employee as per the process so outlined in section 5-4(f) above. Continued employment of management employees in a prolonged illness status shall be

determined by the medical board and appropriate recommendations made to the mayor or city council.

(k) Because of past practice and prior benefits earned while participants in labor contracts, certain management employees have accumulated the same sick leave benefits as afforded non-management employees. For these management employees, those benefits are hereby "grandfathered." However, continued aggregating stops upon the approval of this ordinance and continued sick leave benefits shall be administered for management employees as so indicated herein. Management employees hired after the date of approval of this ordinance [January 25, 1983] shall be afforded sick leave benefits as so described herein.

(l) Relative to section (f), management employees who are on sick leave for a period of eight (8) weeks shall be subject to a review by said medical board.

(m) All persons becoming management employees after January 25, 1983, who previously served as nonmanagement city employees and who accumulated sick leave days pursuant to nonmanagement union contract provisions or by this article, shall not lose those accumulated sick leave days for purposes of reimbursement upon retirement. However, as provided elsewhere in said article, no further accumulation shall be allowed. This section shall apply to all such persons who have retired since January 25, 1983.

(Ord. No. 3-1991, § I, 2-26-91)

Sec. 5-5. Funeral Leave.

(a) Three (3) days of funeral leave shall be granted [to a] non-management employee who attends funeral services for his/her spouse, children, mother, father, brother, sister, mother-in-law, sister-in-law (the sister of the employee's spouse or wife of the employee's brother), brother-in-law (the brother of the employee's spouse or the husband of the employee's sister), father-in-law, grandparents, grandparents of the spouse, grandchildren and for a relative permanently residing in the employee's household. One day shall be granted for a relative not specified above, providing the employee can attend the funeral.

(b) Management employees of the city who are considered to be salaried who are absent due to funeral leave shall not suffer loss of pay.

Sec. 5-6. Health and Welfare.

(a) The city shall pay seventy-five (75) percent of the cost of the premium for group medical insurance coverage. Under the provisions of general laws, chapter 32B, this coverage may continue in effect upon retirement.

(b) Employee premium contributions shall be deducted weekly for medical and life insurances.

(c) An employee who receives a personal injury arising out of and in the course of his employment, or arising out of an ordinary risk of the street while actually engaged, with authorization, in business affairs or undertakings of his employer, shall be paid compensation by the city of Gloucester pursuant to the Massachusetts Workmen's Compensation Act, M.G.L. chapter 152, section 26.

(d) As provided under the provisions of general laws, chapter 32, section B, the city shall provide and pay seventy-five (75) percent of the premiums for the life insurance on each employee as follows:

- (1) Two thousand dollars (\$2,000.00) death benefit.
- (2) Four thousand dollars (\$4,000.00) accidental death benefit.
- (3) Two thousand dollars (\$2,000.00) death benefit during retirement.
- (4) Employee contributing to insurance shall be deducted weekly.

Sec. 5-7. Work Week.

The normal work week for management and non-union employees shall be established by administrative regulation of the personnel department and approved by the mayor.

Sec. 5-8. Working Conditions.

(a) Full-time officials or employees of the city shall not engage in any other business or employment during the hours of duty, and at no time shall be connected with or interested in the sale, to the city or to the public, of anything, the sale or purchase of which may be influenced by the position of the municipal official or employee or in the selling of which the municipal official or employee has, by virtue of his office or position, an unfair advantage over merchants or others engaged in that line of business.

(b) No full-time officer or employee shall absent himself from office during office hours, except in case of sickness, vacation or absence on business in connection with his official duties.

(c) The violation of paragraphs (a) and (b) of this section may be sufficient cause for dismissal.

Sec. 5-9. Maternity Leave.

(a) Every full-time female employee shall be entitled to maternity leave for a period of ten (10) weeks if she complies with the following conditions:

- (1) She has been employed for at least three (3) consecutive months;
and
- (2) She gives two (2) weeks' notice of her expected departure date and notice that she intends to return to her job.

(b) She shall be able to return to the same or a similar position without loss of employment benefits for which she was eligible on the date her leave commenced provided that nothing has occurred during her leave which would have otherwise terminated her employment with the city under existing law, rule, or regulations.

(c) Accrued sick leave benefits must be provided for maternity leave purposes under the same terms and conditions which apply to other temporary medical disabilities. If there are no accrued sick leave credits, the maternity leave

shall be without pay, or if there is only partial sick leave accrual, the remainder of the eight-week [10-week] period of maternity leave shall be without pay.

(d) This ordinance may be supplemented by a written maternity leave policy developed by the personnel director pursuant to section 3-2(2). This policy shall have the same force and effect as this section.

(Ord. No. 28-1995, § I, 5-22-95)

Sec. 5-10. Pension.

The City of Gloucester, under the procedures outlined in the Massachusetts General Laws, chapter 32, provides to all employees a contributory retirement system, of which the employee's contribution amounts to seven (7) percent of his/her regular salary. Enrollment in the retirement system is mandatory.

Sec. 5-11. Longevity.

(a) An employee shall earn longevity salary adjustment as follows:

(b) Longevity shall not appear in the base pay of the employee but shall be payable, in lump sum, the first week of December of each year to all employees who have reached their required service by 1 December of each year.

(c) Years of service shall be correlated with years of service in the retirement system.

(d) Longevity payment schedule shall be as follows and is subject to adjustment as approved by the council on a periodic basis:

(1) Ten (10) years of service . . . \$180.00

(2) Fifteen (15) years of service . . . 240.00

(3) Twenty (20) years of service . . . 425.00

(e) This section shall apply to both management and nonmanagement employees.

(Ord. of 2-5-85, § I)

Editor's note--The provisions of an ordinance of Feb. 5, 1985, amending § 5-11 hereof, have been incorporated as § 5-11(e) at the discretion of the editor.

ARTICLE 6. EMPLOYMENT, PROMOTION AND TRANSFER

Sec. 6-1. Personnel Director Approval.

No employment in, promotion to, or transfer to a paid, appointive position in the city service, except those positions whose incumbents are appointed by the city council, shall take effect until it has been approved by the personnel director as being in compliance with the requirements of the classification plan, the appropriate compensation plan, the affirmative action plan, state civil service rules (in the case of civil service positions), and the provisions of this ordinance.

Sec. 6-2. Appropriation Approval.

No employment, promotion or transfer shall become effective until such time as the appropriation or other monies out of which compensation is to be paid is certified as adequate by the city auditor and city comptroller.

Sec. 6-3. Department Head Recommendation.

(a) No position shall be filled and no proposed promotion to a position subject to this section shall be approved by the personnel director until it shall first be recommended by the board or department head overseeing the department to which the position is assigned.

(b) In the case of an emergency declared by the mayor, said department may, subject to the limitations of its appropriations and to such requirements as the personnel department may determine, employ emergency employees without the requirement of prior approval by the personnel department.

Sec. 6-4. Employee Procedures.

(a) *Vacancy notification:*

(1) When any authorized position (provisional, temporary, or permanent civil service or non-civil service, full-time or part-time, entry level or promotional) becomes vacant, the department head shall file notice in writing of such vacancy with the personnel department within fifteen (15) working days of the vacancy.

(2) If the department head wishes to fill a vacant position, a request to fill the vacancy shall be filed with notification of the vacant position. In cases where Massachusetts civil service applies, the department shall attach a completed roster of pertinent information to be provided by the Personnel Department which will be transferred onto civil service request forms.

(3) No action may be taken to fill a vacancy until written approval is received from the city personnel director and the mayor. The mayor, at his/her discretion, may choose not to fill a vacancy.

(4) It is the duty of the personnel department to maintain, wherever practical, an active eligible list of applicants. In order to maintain eligible lists, the personnel department shall advertise vacancies, when necessary, as specified in subsection (b) below.

(5) Following the closing date for accepting applications, the personnel department shall provide a certified list of eligible applicants to the department head within fifteen (15) working days.

(b) *Recruitment.* Every reasonable effort shall be made to publicize positions and examinations so that all interested persons are informed and qualified persons are attracted to compete. The personnel department shall post a list of vacant positions in the city in a conspicuous public place in the following locations: the department in which the vacancy exists; the city hall main bulletin board; the city personnel department; and the local office of the division of

employment security. Copies of job announcements shall also be sent to newspapers, radio stations, educational institutions, professional and vocational societies, public officials, and special recruitment resources for minorities and women as the personnel director determines necessary to attract a sufficient pool of qualified applicants.

(c) *Selection Procedures (non-civil service)*. The personnel director shall utilize any one or more of the following selection procedures to determine the fitness and ability of the applicants for entry-level and promotional positions:

- (1) A written examination
- An oral examination
- (3) A practical (or performance) test
- (4) An evaluation of education and experience
- (5) A structured interview (mandatory with finalists)
- (6) An evaluation of past performance (in the case of promotions)
- (7) A physical test of strength, ability or dexterity
- (8) A pre-employment physical examination (mandatory)
- (9) Any other appropriate measure of fitness.

The personnel director, after consultation with the appropriate department head, shall determine in each instance what procedure or combination of procedures shall be used and the relative weight assigned to each part of the examination. The personnel director shall also assure that all selection procedures are sufficiently job-related.

(Examinations for civil service employees are conducted by the state division of personnel administration as prescribed in general laws, chapter 31.)

(d) *Eligible Lists (non-civil service)*. Eligible lists shall be established by classification for non-civil service, non-managerial positions, such positions to be determined by the personnel director. When composite examination scores are used, candidates achieving passing scores (or higher) shall be ranked on the eligible list in order of their scores. In such cases the director shall certify the names of the five (5) highest ranking candidates and the department head shall recommend one from among that list of five. When selection procedures are limited to interviews and the evaluation of experience and training, the personnel director shall provide to the department head a list of eligible candidates listed in order of their date of application, along with employment applications and/or resumes and their respective rankings on experience and training. The department head shall recommend a candidate from the list provided. Eligible lists shall remain in effect for limited periods of time, as determined by the personnel director.

(Eligible lists for civil service positions are provided by the state division of personnel administration in accordance with general laws, chapter 31.)

(e) *Appointment*. A department head, upon selecting an applicant to fill a vacancy, shall submit to the personnel director a request for appointment of the person selected. The mayor shall make appointments in the case of department

head and other positions specified in the city charter. The personnel department shall thereupon send an authorization to the city auditor, with a copy to the city treasurer, to place the person on the city payroll with the classification and salary rate authorized for the position. Such authorization shall be accompanied by the necessary federal and state tax withholding forms and any pertinent insurance documents required.

(f) *Promotion.* Vacancies occurring in non-civil service positions above the entry level shall, whenever possible, be filled by promotion of a qualified employee within the city service. However, the personnel director may recruit applicants from outside the city service whenever he/she has reason to believe that better qualified applicants are available than from within the city service. The procedures for selecting employees at the promotional level shall be the same as those provided in Section 6-4(c), Selection Procedures. The personnel director, after consultation with the appropriate department heads, shall determine what procedure or combination of procedures is best suited to each promotional position.

(For civil service positions, promotions shall be made in accordance with general laws, chapter 31.)

(g) *Probation.* Each employee shall serve a probationary period of three (3) months following a permanent appointment to either an entry-level or promotional position. If, after the three-month period, the employee has performed satisfactorily (as determined by a performance evaluation), he/she shall be appointed permanently. An employee may be dismissed, suspended, or demoted at any time during the probationary period and will not be eligible for an appeal, and notification shall be in writing.

(For civil service positions, probation is specified in the civil service law.)

ARTICLE 7. AFFIRMATIVE ACTION

The City of Gloucester fully recognizes its moral responsibility and legal obligation to afford equal employment opportunity to all applicants and employees and to act affirmatively in all employment matters in order to achieve this goal. The affirmative action plan approved by the city council on June 8, 1977, constitutes the official equal employment opportunity policies of the city.

In accordance with Executive Order No. 74, as amended and revised by No. 116, chapter 151B, Massachusetts General Laws, title VII of the U.S. Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Federal Executive Order 11246, as amended, and applicable federal civil rights laws, discrimination based on race, sex, color, religion, national origin, marital status, or age is prohibited in all terms and conditions of employment. These terms and conditions include, but are not limited to: hiring and employment, promotion, transfer, discharge, benefits and compensation, membership in labor organizations, or relief from any prohibited practices. The City of Gloucester will not discriminate on the basis of any of the above mentioned factors, nor on the basis of an applicant's handicap, unless there is a bonafide occupational qualification which precludes employment.

ARTICLE 8. TRAINING AND DEVELOPMENT

Sec. 8-1. Training Policy.

It shall be the policy of the city to encourage employees at all levels of the city service to participate in training and development programs designed to improve their skills; to increase their knowledge of new federal and state laws and programs, new technology, and new methods of operation; and to reduce gaps between actual and expected performance as determined by regular evaluations of performance.

Sec. 8-2. Training Needs.

The personnel director shall from time to time conduct a formal or informal training needs assessment to determine the range of needs that exist and an order of priority for meeting those needs.

Sec. 8-3. Developing Training Programs.

Wherever practical, the personnel director shall develop on-site training programs using the training skills of city employees, local experts, and various colleges, universities and vocational schools within or outside the region.

Sec. 8-4. Training Costs.

Whenever sufficient funding is available, it shall be the policy of the city to assume the normal costs for tuition, fees and educational materials. Employees who request enrollment in educational and training programs outside regular working hours shall be encouraged to do so without additional salary compensation. Exceptions to this general policy shall be spelled out in administrative regulations formulated by the personnel director and approved by the mayor.

ARTICLE 9. PERFORMANCE EVALUATION

Sec. 9-1. Performance Evaluation Guidelines.

Performance evaluation shall be the continuing responsibility of all supervisors, and supervisors shall discuss performance informally with each employee as often as necessary to insure effective performance. Except where provided otherwise in collective bargaining agreements, each supervisor shall make an appraisal in writing and shall discuss with each employee his/her overall work performance at least once each fiscal year, on the employee's anniversary date. The format and process of such appraisals shall be established by the personnel director, after consultation with department heads. However, maximum flexibility shall be permitted from one department to another. Written appraisals shall be filed with the personnel director and each employee shall be supplied with a copy and sign a document indicating that they have seen same and [been] given right to rebut.

Sec. 9-2. Uses of Performance Evaluation.

Performance evaluation shall be used to provide a continuing record of employee development, a means of identifying effective performance as well as areas needing improvement, and as a forum for encouraging effective supervisory-employee communications. For management and non-union personnel performance evaluation

shall serve as a basis for making decisions on merit raises pursuant to section 4-4. For non-civil service employees performance evaluation may be used for making decisions regarding promotions, the order of layoffs, and other pertinent personnel actions as may be specified in administrative regulations formulated by the personnel director (pursuant to section 3-2), provided such evaluation procedures are not in conflict with any collective bargaining agreements.

ARTICLE 10. DISCIPLINARY ACTION AND SEPARATION

Sec. 10-1. Exception to Applicability.

The provisions incorporated into sections 10-2 through 10-8 of this ordinance shall not apply to any employees covered by the civil service law. Nor shall these provisions apply to employees covered by collective bargaining agreements, where such agreements address the same policies, or city department heads.

Sec. 10-2. Demotion.

A department head may reduce the salary of an employee within the range provided in the appropriate pay plan or demote the employee for just cause with the approval of the personnel director. The employee shall be notified in writing of the contemplated action by registered letter or in hand (return receipt requested from addressee only) and the reasons for such action at least five (5) working days prior to the effective date of the action and a copy of said notice shall be filed with the personnel director. Any permanent employee who is demoted may appeal for a hearing, in writing, to the personnel appeals board within five (5) working days after the date of service of such notice of demotion. The board shall grant the employee a hearing within fourteen (14) working days thereafter. The hearing shall be public at the option of the employee and he/she may be represented by counsel, and notifications to employee shall be by registered mail or signed receipt.

Sec. 10-3. Suspension.

(a) A department head, following consultation with the personnel director, may suspend without pay and for just cause, any permanent employee in his/her department covered by this article for such length of time as he/she considers appropriate. In any suspension, the personnel director shall be furnished immediately with a written statement specifically setting forth the reasons for such suspension and a copy of such statement shall be furnished immediately to the employee.

(b) Any suspension or any combination of suspensions for the fiscal year may be appealed to the personnel appeals board. Any employee wishing to make such an appeal shall notify his/her department head and the personnel director in writing of his/her intention to appeal within five (5) working days of the receipt of an appeal. Within not more than ten (10) working days of the receipt of an appeal, the personnel appeals board shall hold a hearing which shall be public at the option of the employee and [at] which he/she may be represented by legal counsel.

Sec. 10-4. Dismissal.

A permanent employee may be dismissed by a department head for just cause, provided the employee is given a written statement five (5) working days prior to the effective date of the dismissal setting forth the reasons for said dismissal and a copy is filed with the personnel director. Any employee so dismissed shall have the right to make an appeal in writing within five (5) working days of the date of receipt of the letter of dismissal. Such appeal shall be sent by registered mail or presented in person to the personnel appeals board and the board shall grant the employee a hearing within ten (10) working days of the receipt of said letter and shall render a decision within fourteen (14) working days thereafter. The hearing shall be public at the option of the employee and he/she may be represented by counsel. Said employee may remain in the employ of the city, with or without pay, pending decision.

Sec. 10-5. Transfer.

An employee may be transferred from one department to another with or without the employee's consent, provided (1) such transfer is to a position in the same class or another class having the same minimum and maximum salary limits, involving the performance of similar duties, and requiring substantially the same basic qualifications; and (2) such a transfer is approved by the personnel director. An employee so transferred may appeal said transfer to the personnel appeals board if he/she feels said transfer was made arbitrarily or capriciously.

Sec. 10-6. Layoff.

(a) A department head may layoff a permanent employee in the classified service when he/she deems it necessary by reason of shortage of work or funds, material change in the departmental organization, or for other related reasons which are outside the employee's control and which do not reflect discredit upon the services of the employee. The employee shall be provided with a written notice of such layoff fourteen (14) working days prior to the effective date of such action.

(b) The order of layoffs shall be by seniority within classification by departmental unit whenever possible. However, past performance, [and] current and projected employment needs of the city shall also be a determining factor, based upon a report from the department head.

(c) No temporary or permanent separation of an employee from the classified service as a penalty or disciplinary action shall be considered a layoff. The names of employees affected shall be kept on a special employment list and said employees shall be recalled in the order and based upon the same criteria as were used in determining the original layoff.

Sec. 10-7. Resignation.

(a) To resign in good standing, an employee must give the appointing authority at least fourteen (14) calendar days prior notice unless the appointing authority, because of extenuating circumstances, agrees to permit a shorter period of notice.

(b) A written resignation shall be supplied by the employee to the appointing authority giving reasons for leaving. The resignation shall be forwarded to the personnel director with a statement by the appointing authority as to the resigned employee's service performance and pertinent information concerning the cause for resignation. Failure to comply with this requirement shall be entered on the service record of the employee and may be cause for denying future employment by the city.

Sec. 10-8. Just Cause Standard.

For purposes of this article, just cause shall be defined to include, but not be limited to, any of the following:

- (1) Incompetency
- (2) Inefficiency
- (3) Inexcusable neglect of duty
- (4) Failure to perform in one or more critical elements of the job
- (5) Fraud in securing appointment
- (6) Insubordination
- (7) Drunkenness
- (8) Addiction to narcotics or habit-forming drugs
- (9) Inexcusable absence without leave
- (10) Chronic tardiness
- (11) Sick leave abuse
- (12) Conviction of a felony or misdemeanor involving moral turpitude
- (13) Willful disobedience
- (14) Misuse or unauthorized use of municipal property
- (15) Other misconduct or violations of work rules, regulations, charter, ordinance or election laws
- (16) Working another job on city time.

ARTICLE 11. PERSONNEL APPEALS BOARD*

***Editor's note**--Ord. No. 28-1995, § I, adopted May 22, 1995, amended former Art. 11, §§ 11-1--11-7, to read as herein set out. Former Art. 11 derived from the personnel ordinance of Jan. 25, 1983.

Sec. 11-1. Appointment.

Within thirty (30) days following the acceptance of the revised ordinance, the personnel appeals board shall be constituted in the following manner: (i) the mayor shall

appoint a member to represent non-union management employees, (ii) G.M.A.A. and A.F.S.C.M.E. Local 687 employees shall each elect one member representative, one of whom shall serve on board hearings involving his or her respective members, (iii) the above three individuals shall elect a permanent member of the board by unanimous consent. This member shall be a neutral and impartial chairperson.

(Ord. No. 28-95, § I, 5-22-95)

Sec. 11-2. Membership.

Regular members of the personnel appeals board shall serve for a three-year term and shall serve without compensation. The personnel director shall maintain all records of membership.

(Ord. No. 28-95, § I, 5-22-95)

Sec. 11-3. Vacancy.

If any member shall vacate his office for any reason, a successor shall be appointed forthwith. Such successor shall serve until the expiration of the term of the member so vacating.

(Ord. No. 28-95, § I, 5-22-95)

Sec. 11-4. Meetings.

The personnel appeals board shall meet at least once each month at such regular times and in such regular place as it may determine, unless there is no current business before it. Additional meetings shall be held at the request of the personnel director or as the personnel appeals board shall determine.

(Ord. No. 28-95, § I, 5-22-95)

Sec. 11-5. Duties and jurisdiction.

Any and all employee grievances shall first be filed with the personnel director, who shall issue response within fifteen (15) working days following receipt of the grievance. In the event the employee remains dissatisfied with the response of the personnel director, the employee shall retain appeals rights through the appeals board.

The appeals board shall serve those eligible employees not afforded appeal rights by either arbitration procedures specified in a collective bargaining agreement or by the civil service commission. The appeals board shall have authority to:

- (1) Hear appeals in cases of suspensions, demotions or dismissals;
- (2) Hear appeals in cases of layoffs and transfers (from one department to another) only if the employee can show bad faith on the part of the municipal employer;
- (3) Hear appeals on selections, promotions, and other related personnel actions where there is an alleged violation of the procedures established herein or in attendant administrative regulations;

(4) Advise the personnel director, upon request of the director, on any personnel matters including individual employee requests for reclassification of positions not covered by collective bargaining agreement and benefits determination, excluding workers compensation and M.G.L. chapter 41 section 111-F claims.

(5) Maintain, by clerk as a record, minutes from all meetings.

(Ord. No. 28-95, § I, 5-22-95)

Sec. 11-6. Board decisions.

An individual may file an appeal to the personnel appeals board within thirty (30) days of any specific action which is being appealed.

The personnel appeals board shall hear any appeal within fourteen (14) working days after such appeal is presented and shall render its decision within an additional fourteen (14) working days. The action of the municipal appointing authority shall be upheld if it is shown by substantial evidence to be based on just cause. Any such decision of the board shall be final and binding on all parties, subject only to judicial review.

(Ord. No. 28-95, § I, 5-22-95)

Sec. 11-7. Other investigative procedures.

The personnel appeals board will have no jurisdiction in certain matters not listed in section 11-5.

This ordinance does not affect any powers of the Personnel Director to manage other investigations.

(Ord. No. 28-95, § I, 5-22-95)

Sec. 11-8. Alternative appeal rights.

Nothing in this section shall be construed to limit the rights of employees covered by civil service to appeal a suspension, demotion, or dismissal to the civil service commission pursuant to [M.G.L.A.] chapter 31, sections 41--44, or to limit the rights of employees covered by collective bargaining agreements to exercise any appeal procedures negotiated as part of said agreements; provided that in such cases, the employee shall elect one method of appeal which shall constitute the exclusive remedy.

(Ord. No. 28-95, § I, 5-22-95)

ARTICLE 12. SEVERANCE CLAUSE

The provisions of this ordinance are hereby declared to be severable and if any such provision or the application of any such provision to any person or circumstances shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not be construed to affect the validity, legality or constitutionality of any of the remaining provisions or the application of said ordinance to persons or circumstances other than those as to which it is held invalid, illegal, or unconstitutional.

APPENDIX A
CLASSIFICATION PLAN*

***Cross reference(s)**--Classification plan, App. C, §§ 4-1--4-3.

*Alphabetical Listing of Full-Time and Part-Time Position Classes and
Allocation to Compensation Grade and/or Schedule*

Grants Accounting Specialist

<u>Position</u>	<u>Schedule</u>	<u>Compensation Grade</u>
<u>Account Clerk</u>	<u>AFSCME</u>	<u>V</u>
<u>Activity Coordinator</u>	<u>AFSCME</u>	<u>V (Ord. 01-18 6/5/2001)</u>
<u>Archivist/Records Clerk</u>	<u>AFSCME</u>	<u>VII</u>
<u>Art Coordinator, Council on Aging, PT</u>		<u>Grade IV</u>
<u>Asphalt Raker</u>	<u>AFSCME</u>	<u>V</u>
<u>Asst. to Animal Control, Police</u>		<u>VI</u>
<u>Asst. Buyer</u>	<u>AFSCME</u>	<u>V</u>
<u>Asst. Harbormaster</u>	<u>AFSCME</u>	<u>VI</u>
<u>Asst. Registrar of Voters</u>	<u>AFSCME</u>	<u>VII</u>
<u>Asst. Sanitary Inspector</u>		
<u>Asst. Skating Rink Manager</u>		
<u>Asst. Supt. Fire Alarm and Police Signal System</u>		
<u>Asst. Traffic Sign Erector</u>	<u>AFSCME</u>	<u>V</u>
<u>Asst. Water Registrar</u>	<u>AFSCME</u>	<u>V</u>
<u>Attendant</u>		
<u>Audio-Visual Librarian</u>	<u>AFSCME</u>	<u>VI</u>
<u>Backflow Prevention Device Tester</u>	<u>AFSCME</u>	<u>VIII</u>
<u>Board Secretary</u>		
<u>Bookkeeper, Community Development</u>		<u>VII</u>
<u>Bookkeeper, DPW</u>		<u>VII</u>
<u>Bookkeeper, Treasurer/Collector</u>		<u>VII</u>
<u>Building Custodian (Junior)</u>	<u>AFSCME</u>	<u>VI</u>
<u>Buyer</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Cafeteria Helper</u>		
<u>Cafeteria Manager</u>		
<u>Carpenter</u>	<u>AFSCME</u>	<u>VI</u>
<u>Cataloguer</u>	<u>AFSCME</u>	<u>VI</u>
<u>Children's Librarian</u>	<u>AFSCME</u>	<u>VI</u>
<u>Circulation Librarian, Library</u>		<u>VI</u>
<u>Civil Service Director</u>		

<u>Clerk -- Personnel</u>	<u>AFSCME</u>	<u>IV</u>
<u>Clerk Typist</u>	<u>AFSCME</u>	<u>IV</u>
<u>Clerk of Committees</u>	<u>AFSCME</u>	<u>VIIIA (Ord. 01-12 4/24/2001)</u>
<u>Code Enforcement Inspector</u>	<u>AFSCME</u>	<u>VIII</u>
<u>Commissioner of Public Safety</u>		
<u>Confidential Secretary (OPW)</u>	<u>Mgt.</u>	<u>VIIIA</u>
<u>Confidential Secretary (Police Dept.)</u>	<u>AFSCME</u>	<u>V</u>
<u>Custodian (Junior)</u>	<u>AFSCME</u>	<u>VI</u>
<u>Data Control Clerk</u>		
<u>Deputy Collector</u>	<u>AFSCME</u>	<u>VII</u>
<u>Deputy Fire Chief</u>	<u>Fire</u>	<u>IV</u>
<u>Deputy Sealer Wts. and Measures</u>		
<u>Drillman</u>	<u>AFSCME</u>	<u>V</u>
<u>Electrician</u>		
<u>Electrician Helper</u>	<u>AFSCME</u>	<u>V</u>
<u>Executive Secretary</u>		
<u>Executive Secretary to Mayor</u>	<u>AFSCME</u>	<u>VIIA</u>
<u>Executive/Confidential Secretary</u>		<u>8A</u>
<u>Financial Secretary</u>		
<u>Fire Captain</u>	<u>Fire</u>	<u>III</u>
<u>Firefighter</u>	<u>Fire</u>	<u>I</u>
<u>Firefighter and Asst. Mechanic</u>	<u>Fire</u>	<u>II</u>
<u>Fire Inspector</u>		
<u>Forestry Maintenance Man</u>		
<u>Grounds Maintenance Man</u>		
<u>Grants Accounting Specialist</u>	<u>AFSCME</u>	<u>VIII (Ord. 01-21 6/19/01)</u>
<u>Head Computer Operator</u>	<u>AFSCME</u>	<u>VI (Ord.01-16 Deleted 6/5/2001)</u>
<u>Head Lifeguard</u>		
<u>Head Pumping Station Operator</u>	<u>AFSCME</u>	<u>VII</u>
<u>Head Treatment Plant Operator</u>	<u>AFSCME</u>	<u>VII</u>
<u>Heavy Motor Equipment Operator</u>	<u>AFSCME</u>	<u>VI</u>
<u>House Worker</u>		
<u>Junior Clerk Typist</u>	<u>AFSCME</u>	<u>IV</u>
<u>Junior Draftsman</u>	<u>AFSCME</u>	<u>VI</u>
<u>Junior Engineering Aid</u>	<u>AFSCME</u>	<u>VIA</u>

<u>Junior Library Assistant</u>	<u>AFSCME</u>	<u>V</u>
<u>Junior Planner</u>	<u>AFSCME</u>	<u>VIII</u>
<u>Laborer</u>	<u>AFSCME</u>	<u>V</u>
<u>Laundry Worker</u>		
<u>Legal Secretary (Mayor's Office)</u>	<u>Mgt.</u>	<u>VIIIA</u>
<u>Library Administrative Aid</u>	<u>AFSCME</u>	<u>V</u>
<u>Lifeguard</u>		
<u>Lineman</u>	<u>AFSCME</u>	<u>VI</u>
<u>Mason</u>	<u>AFSCME</u>	<u>VI</u>
<u>Master Mechanic, Fire Department</u>	<u>Fire</u>	<u>III</u>
<u>Medical Worker</u>		
<u>Meter Installers</u>	<u>AFSCME</u>	<u>Grade VI</u>
<u>Meter Reader</u>	<u>AFSCME</u>	<u>VI</u>
<u>Milk Inspector</u>		
<u>Motor Equipment Maintenance Man</u>	<u>AFSCME</u>	<u>V</u>
<u>Motor Equipment Operator</u>	<u>AFSCME</u>	<u>V</u>
<u>Motor Equipment Repair Foreman</u>	<u>AFSCME</u>	<u>VII</u>
<u>Motor Equipment Repairman</u>	<u>AFSCME</u>	<u>Grade VIA</u>
<u>Office Manager</u>		
<u>Oil Burner Maintenance Man</u>		
<u>Operations Manager - Public Properties</u>		<u>Grade 12</u>
<u>Painter</u>		
<u>Park Maintenance Man</u>	<u>AFSCME</u>	<u>V</u>
<u>Park Police Officer</u>		
<u>Parking Control Officer</u>	<u>AFSCME</u>	<u>V</u>
<u>Parking Meter Repairman</u>	<u>AFSCME</u>	<u>VI</u>
<u>Pensions Clerk</u>	<u>AFSCME</u>	<u>VI</u>
<u>Personnel Assistant, Personnel</u>		<u>VI</u>
<u>Pipelayer, Engineering</u>		<u>VI</u>
<u>Plumbing and Gas Fitting Inspector</u>	<u>AFSCME</u>	<u>VIIIB</u>
<u>Police Captain</u>	<u>Police</u>	
<u>Police Lieutenant</u>	<u>Police</u>	<u>III</u>
<u>Police Matron</u>		
<u>Police Officer</u>	<u>Police</u>	<u>I</u>
<u>Police Sergeant</u>	<u>Police</u>	<u>II</u>
<u>Principal Account Clerk, Auditors</u>		<u>VII</u>
<u>Principal Clerk</u>	<u>AFSCME</u>	<u>VI</u>
<u>Principal Clerk and Secretary</u>		
<u>Principal Clerk and Typist</u>		

<u>Public Works Foreman</u>	<u>AFSCME</u>	<u>VII</u>
<u>Public Works Maintenance Man</u>	<u>AFSCME</u>	<u>V</u>
<u>Pumping Station Operator</u>	<u>AFSCME</u>	<u>VI</u>
<u>Recreation Leader</u>		<u>V, Part-time position</u>
<u>(Recreation Leader, Beach Operations Ord. 02-21 Delete 6/11/2002)</u>		<u>V, Part-time position</u>
<u>Reference Librarian</u>	<u>AFSCME</u>	<u>VI</u>
<u>Revenue Manager, Engineering</u>	<u>Mgt.</u>	<u>Grade XII</u>
<u>Sanitary Inspector</u>	<u>AFSCME</u>	<u>VIII</u>
<u>Secretary (Mayor's Office)</u>	<u>Mgt.</u>	<u>VI-A</u>
<u>Secretary (City Clerk's Office)</u>	<u>AFSCME</u>	<u>VI-A</u>
<u>Secretary to Community Dev. Director</u>	<u>AFSCME</u>	<u>VI</u>
<u>Senior Account Clerk</u>		
<u>Senior Bookkeeper</u>		
<u>Senior Building Custodian</u>		
<u>Senior Building Maintenance Craftsman</u>	<u>AFSCME</u>	<u>Grade VIA</u>
<u>Senior Clerk</u>	<u>AFSCME</u>	<u>V</u>
<u>Senior Clerk-Stenographer</u>	<u>AFSCME</u>	<u>V</u>
<u>Senior Clerk-Typist</u>	<u>AFSCME</u>	<u>V</u>
<u>Senior Engineering Aide</u>	<u>AFSCME</u>	<u>VII (Ord. 01-18 6/5/2001)</u>
<u>Senior Library Asst.</u>		
<u>Senior Meter Reader</u>	<u>AFSCME</u>	<u>Grade VIA</u>
<u>Senior Planning Aide</u>	<u>AFSCME</u>	<u>VII</u>
<u>Sewer Foreman</u>	<u>AFSCME</u>	<u>VII</u>
<u>Sewer System Maintenance Craftsman</u>	<u>AFSCME</u>	<u>Grade VIA</u>
<u>Shellfish Warden</u>	<u>AFSCME</u>	<u>VII</u>
<u>Sign Painter</u>	<u>AFSCME</u>	<u>VI</u>
<u>Signal Maintainer</u>	<u>AFSCME</u>	<u>VIII</u>
<u>Signal Maintainer Helper</u>		
<u>Skating Rink Equipment Operator</u>		
<u>Skating Rink Maintenance Man</u>		
<u>Social Worker, Council on Aging</u>	<u>AFSCME</u>	<u>Grade VIII</u>
<u>Special Motor Equipment Operator</u>	<u>AFSCME</u>	<u>VI</u>
<u>Storekeeper</u>	<u>AFSCME</u>	<u>VI</u>
<u>Stores Delivery Man</u>		
<u>Supervisor of Payroll Systems</u>	<u>Mgt.</u>	<u>Grade IX</u>

<u>Telecommunications Technician</u>		<u>VIII</u>
<u>Telephone Operator</u>		
<u>Tree Warden</u>		<u>Grade VIII</u>
<u>Traffic Sign Erector</u>	<u>AFSCME</u>	<u>VI</u>
<u>Traffic Supervisor</u>		
<u>Treatment Plant</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Tree Climber</u>		
<u>Tree Surgeon</u>		
<u>Tourism Coordinator, Community Development</u>	<u>Mgt.</u>	<u>Grade IX</u>
<u>Wastewater Engineering/Financial Coordinator</u>		<u>Grade 12</u>
<u>Watchman</u>	<u>AFSCME</u>	<u>V</u>
<u>Water Meter Foreman</u>	<u>AFSCME</u>	<u>VII</u>
<u>Water Meter Repairman</u>	<u>AFSCME</u>	<u>VI</u>
<u>Water System Foreman</u>	<u>AFSCME</u>	<u>VII</u>
<u>Water System Maintenance Man</u>		
<u>Working Foreman Craftsman</u>	<u>AFSCME</u>	<u>Grade VII</u>
<u>Working Foreman Forestry Maintenance Man</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Heavy Motor Equipment Operator</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Laborer</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Motor Equipment Operator</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Motor Equipment Repairman</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Public Works Maintenance Man</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Sewer Craftsman</u>		<u>VII</u>
<u>Working Foreman Skating Rink Maintenance Man</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Signal Maintainer</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Special Motor Equipment Operator</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Tree Surgeon</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Water Meter Repairman</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Working Foreman Water System Maintenance Man</u>	<u>AFSCME</u>	<u>VIA</u>
<u>Workman's Compensation/Benefits</u>	<u>AFSCME</u>	<u>VII</u>

<u>Agent</u>		
<u>Young Adult Librarian Assistant</u>	<u>AFSCME</u>	<u>V</u>
<u>Youth Services Coordinator</u>	<u>Mgt</u>	<u>Grade X</u>

<u>Proposed Grade</u>	<u>Position Title</u>	<u>Current Grade</u>
<u>M-10</u>	<u>Fire Chief</u>	<u>M-14</u>
	<u>Police Chief</u>	<u>M-14</u>
	<u>Public Works Director</u>	<u>M-14</u>
<u>M-9</u>	<u>General Counsel</u>	<u>M-14</u>
	<u>City Engineer</u>	<u>M-14</u>
	<u>Admin. Assistant to the Mayor</u>	<u>M-14</u>
	<u>Community Development Director</u>	<u>M-13</u>
	<u>Chief Financial Officer</u>	<u>M-14</u>
<u>M-8</u>	<u>Treasurer/Collector</u>	<u>M-13</u>
	<u>Public Health Director</u>	<u>M-12</u>
	<u>Auditor</u>	<u>M-13</u>
	<u>Library Director</u>	<u>M-12</u>
	<u>Personnel Director</u>	<u>M-12</u>
	<u>Principal Assessor</u>	<u>M-13</u>
	<u>Purchasing Agent</u>	<u>M-12</u>
	<u>City Planner</u>	<u>M-12</u>
<u>(M-8)</u>	<u>(Director of Computer Services (Ord. 01-16 6/5/2001) Ord. 02-33 Delete 7/23/2002)</u>	
<u>M-8</u>	<u>Director of Information Services (Ord. 02-33 7/23/2002)</u>	
<u>(M-7)</u>	<u>(Computer Network Ord. 02-33 Delete 7/23/2002)</u>	
	<u>Administrator</u>	<u>M-12</u>
	<u>Building Inspector</u>	<u>M-12</u>
	<u>Harbormaster</u>	<u>M-11</u>
	<u>Assistant City Engineer</u>	<u>M-13</u>
	<u>Environmental Engineer</u>	<u>M-13</u>
	<u>Assistant General Counsel</u>	<u>M-12</u>
	<u>City Clerk</u>	<u>M-13</u>
	<u>Grants Administrator</u>	<u>M-12</u>
<u>M-6</u>	<u>Public Health Sanitarian - Supervisor</u>	<u>M-10</u>
	<u>Assessor</u>	<u>M-12</u>
	<u>Operations Mgr. - Central Services</u>	<u>M-12</u>
	<u>Operations Mgr. - Public Property</u>	<u>M-12</u>
	<u>(Proj. Develop. Coord./Econ. Develop. Planner Ord. 02-21 Delete</u>	<u>M-10</u>

	6/11/2002)	
	(Operations Mgr. - Park & Recreation Ord. 02-21 Delete 6/11/2002)	<u>M-12</u>
	<u>Council on Aging Director</u>	<u>M-11</u>
	Revenue Manager, Engineering (Ord. 01-17 Deleted 6/5/2001)	
<u>M-6</u>	Computer Technician City/School (Ord. 02-33, 7/23/2002)	
	<u>Operations Manager, Water Sewer & Highway (Ord. 01-17 6/5/2001)</u>	
<u>M-5</u>	<u>Asst. Library Director</u>	<u>M-10</u>
	<u>Pretreatment Coordinator</u>	<u>M-10</u>
	<u>Asst. Treasurer/Collector</u>	<u>M-11</u>
	Data Processing Manager	M-11 (Ord. 01-16 Deleted 6/5/2001)
	<u>Assistant Auditor</u>	<u>M-11</u>
	<u>Jr. Civil Engineer</u>	<u>M-10</u>
	Youth Services Coordinator Ord. 02-21 Delete 6/11/2002	
	<u>Fisheries Director</u>	
(M-5)	(Technical Support Specialist Ord. 01-16 6/5/2001 Ord. 02-33 Delete 7/23/2002)	
<u>M-5</u>	Information Support Specialist (Ord. 02-33, 7/23/2002)	
	<u>Youth & Recreation Director Ord. 02-21, 6/11/2002</u>	
<u>M-4</u>	(Environmental Planner Ord. 02-21 Delete 6/11/2002)	
	Conservation Agent Ord. 02-21, 6/11/2002	
	<u>Public Health Nurse</u>	<u>M-9</u>
	<u>Inspector of Engineering</u>	<u>M-9</u>
	<u>Sanitarian</u>	<u>M-10</u>
	<u>Local Building Inspector</u>	<u>M-9</u>
	<u>Electrical Inspector</u>	<u>M-11</u>
	<u>Sr. Project Manager</u>	<u>M-10</u>
	<u>Financial Coordinator, Police</u>	
<u>M-3</u>	<u>Veterans Agent</u>	<u>M-10</u>
	<u>Sealer of Weights & Measures</u>	<u>M-9</u>
	<u>Housing Rehab. Specialist</u>	<u>M-10</u>
	<u>Assistant Purchasing Agent</u>	<u>M-10</u>
	<u>Assistant City Planner</u>	<u>M-9</u>

	<u>Recycling Coordinator</u>	<u>M-9</u>
	<u>Assistant City Clerk</u>	<u>M-9</u>
	<u>Supervisor of Payroll</u>	<u>M-9</u>
<u>M-2</u>	<u>Tourism Coordinator</u>	
	<u>Assistant Assessor</u>	<u>M-9</u>
	<u>Clerk of Committees</u>	<u>M-9 Ord. 01-12 Deleted 4/24/01</u>
<u>M-1</u>	<u>None</u>	

(Ord. of 5-22-84, § I(1, 3); Ord. of 2-5-85, § I; Ord. of 4-9-85, § I; Ord. of 8-19-86, § I; Ord. of 10-21-86, § I; Ord. of 4-14-87, § I; Ord. of 8-25-87, § I; Ord. of 2-2-88, § I; Ord. of 8-16-88, § I; Ord. No. 7-1990, § I, 1-16-90; Ord. No. 23-1992, § I, 8-4-92; Ord. No. 6-1993, § I, 4-6-93; Ord. No. 18-1993, § I, 12-21-93; Ord. No. 7-1994, § I, 4-12-94; Ord. No. 14-1994, § I, 8-23-94; Ord. No. 17-1994, § I, 9-6-94; Ord. No. 18-1994, § I, 9-27-94; Ord. No. 13-1995, § I, 1-10-95; Ord. No. 20-1995, § I, 3-7-95; Ord. No. 28-1995, § I, 5-22-95; Ord. No. 48-1995, § I, 11-28-95; Ord. No. 38-1996, § I, 9-19-96; Ord. No. 19-1996, § I, 6-25-96; Ord. No. 41-1997, § I, 5-27-97; Ord. No. 50-1997, § I, 7-22-97; Ord. No. 76-1998, § I, 2-17-98; Ord. No. 116-1998, § II, 8-18-98; Ord. No. 8-1999, § I, 7-6-99; Ord. No. 9-1999, § I, 7-6-99; Ord. No. 13-1999, § I, 7-20-99; Ord. No. 41-1999, § I, 11-9-99; Ord. No. 70-2000, § I, 7-18-00; Ord. No. 83-2000, § I, 8-15-00; Ord. No. 89-2000, § I, 9-26-00)

APPENDIX B

COMPENSATION PLAN*

***Cross reference(s)**--Compensation plan, App. C, § 4-4.

Salary and wage schedules adopted for management and non-union employees, schedules incorporated into collective bargaining agreements and schedules covering other miscellaneous position classes are included as Appendix B to the personnel ordinance and incorporated herein by reference. Said schedules are kept on file and available for inspection at the office of the town clerk.

Salary and wage schedules included in Appendix B are as follows:

FIRE: Schedule is adopted as per Union Contract

POLICE: Schedule is adopted as per Union Contract

AFSCME: Schedule is adopted as per Union Contract

MANAGEMENT AND NON-UNION: Schedule is adopted and approved by City Council

Union salary and wage schedules included herein are to be updated on connection with renegotiated union contracts. Management and non-union salary and wage schedules included herein are to be updated as approved by city council.

APPENDIX C

Grade I: none

Grade II: none

Grade III: none

Grade IV: Clerk Typist

Grade V: Senior Clerk; Accounting Clerk; Asst. Registrar, City Clerk; Sr. Clerk Typist; Senior Lib. Asst.; Jr. Lib. Asst.; Young Adult Lib. Asst.; Sr. Clerk/Steno; Accounts Payable Clerk; Asphalt Raker DPW; P.W. Laborer, DPW Maintenance Man, MEO; Janitor/Night Watchman; Weigher on Scales; Asst. Tr. Sign Erector; Drillman, Electrician's Helper; Confidential Secretary (Police Dept.); Meter Maid, [Activity Coordinator \(Ord. 01-18, 7/5/2001\)](#)

Grade VI: Head Computer Operator; Secretary; Principal Clerk; Lineman; Jr. Draftsman; Cataloguer; Reference Librarian; Audio-Visual Librarian; Children's Librarian; Sewer Pump Station Operator; HMEO; SMEO; Elec. Wat. Pump Station Op.; Storekeeper, Water Meter Reader and Repair; Janitor; Carpenter; Building Custodian; Tr. Sign Erector; Sign Painter; Mason; Junior Bldg. Custodian; Parking Meter Man; Motor Equipment Repair; Assistant to Harbormaster; Library Administrative Aide; Pipelayer, Engineering; Circulation Librarian, Library; Assistant to Animal Control, Police; Personnel Assistant; Meter Installer.

Grade VIA: Engineering Aide, grade 2; Water Tr. Plant Operator; Senior Meter Reader.

Grade VII: Asst. Registrar of Voters; Code Enforcement Inspector; Sanitary Inspector; Shellfish Warden; Head Pump Stat. Operator, Sewer, Foreman, DPW; Bookkeeper, Community Development; Bookkeeper, DPW; Bookkeeper, Treasurer/Collector; Principal Account Clerk, Auditors; Working Foreman Craftsman, Sewer Craftsman, [Senior Engineering Aide \(Ord. 01-18, 7/5/2001\)](#).

Grade VIII: Signal Maintenance (Electrician's); Supt., Solid Waste; Telecommunications Technician; Backflow Prevention Device Tester; Community Development, P/T; [Grants Accounting Specialist \(Ord. 01-21 6/19/01\)](#).

[Grade VIIIA: Clerk of Committees \(Ord. 01-12 4/24/2001\)](#)

Grade VIIIB: Plumbing and Gas Fitting Inspector

Grade IX: none

Grade X: none

Grade XI: none

Grade XII: none

Grade XIII: none

Grade XIV: none

(Ord. No. 18-1993, § I, 12-21-93; Ord. No. 8-1994, § I, 4-12-94; Ord. No. 17-1994, § I, 9-6-94; Ord. No. 18-1994, § I, 4-27-94; Ord. No. 20-1995, § I, 3-7-95; Ord. No. 28-1995, § I, 5-22-95; Ord. No. 48-1995, § I, 11-28-95; Ord. No. 38-1996, § I, 9-19-96; Ord.

No. 19-1996, § I, 6-25-96; Ord. No. 41-1997, § II, 5-27-97; Ord. No. 50-1997, § II, 7-22-97; Ord. No. 76-1998, § II, 2-17-98; Ord. No. 89-2000, § I, 9-26-00)

APPENDIX D REORGANIZATION PLANS*

***Charter reference(s)**--Publication of reorganization plan, § 7-3.

<u>1.</u>	<u>Assessor's Department, approved 2/17/98.</u>
<u>2.</u>	<u>Dept. of Information Services, approved, 6/5/01</u>
<u>3.</u>	<u>Community Development Department, approved, 6/11/02</u>
<u>4.</u>	<u>Department of Public Works, approved, 6/11/02</u>
<u>5.</u>	<u>Dept. of Information Services, approved, 7/23/02</u>

This appendix contains a listing of all reorganization plans approved by the city which, subject to applicable law and the city charter, reorganize, consolidate, or abolish any city agency, in whole or in part, or establish new city agencies. The plans are included herein as an appendix to the Code, per Charter Section 7-3.

1. Assessor's Department, approved 2/17/98.

ASSESSOR'S DEPARTMENT
REORGANIZATIONAL CHART

2. MIS Department, approved 6/5/01

MIS DEPARTMENT
REORGANIZATIONAL CHART

DEPARTMENT OF INFORMATION SERVICES
Director of Computer Services
Computer Network Administrator
Technical Support Specialist
(revised 6/5/2001)

3. Community Development Department, approved 6/11/02 (See chart on file)

4. Department of Public Works, approved 6/11/02 (See chart on file)

5. Department of Information Services, approved 7/23/02 **Director of Information Services - M8** **Computer Technician City/School - M6** **Information Support Specialist - M5**

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